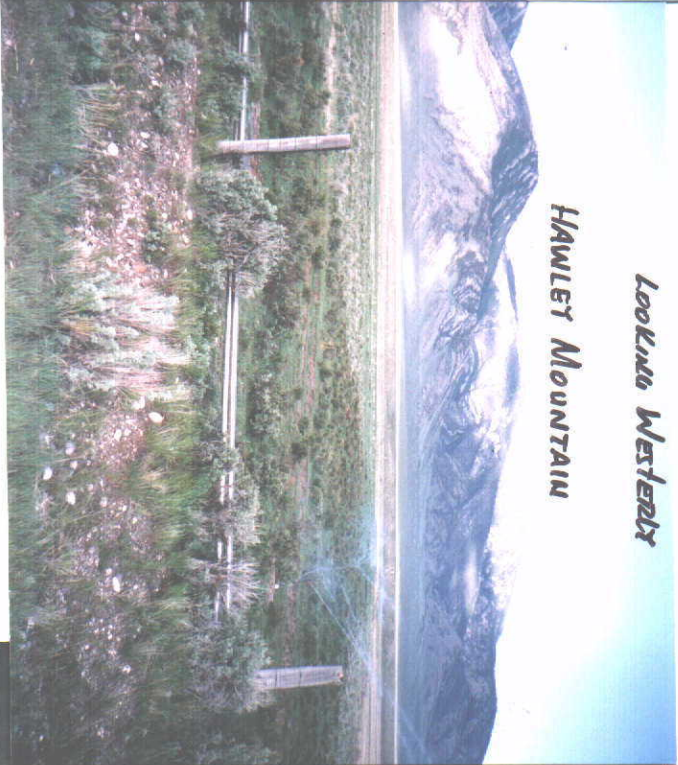


5/20/98
A. RUEBNER

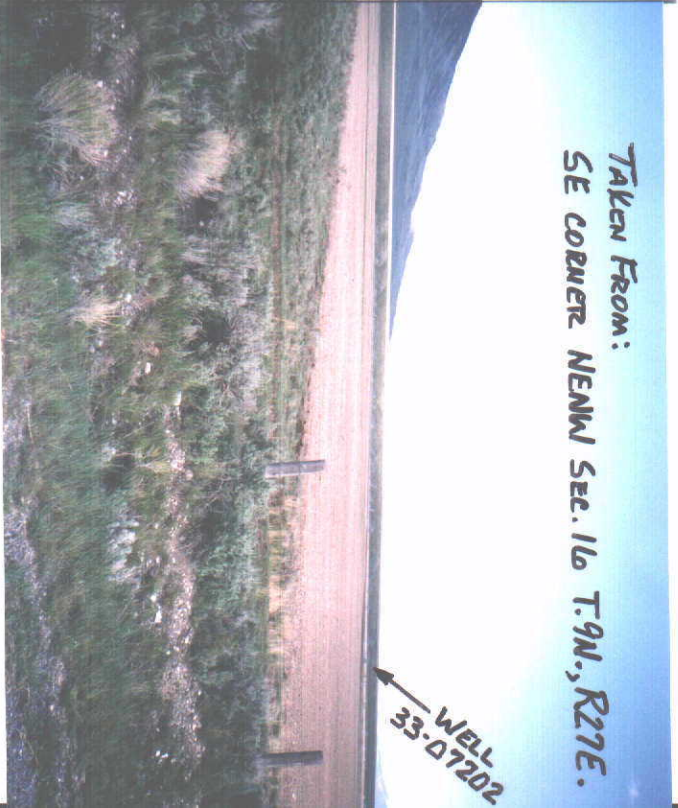


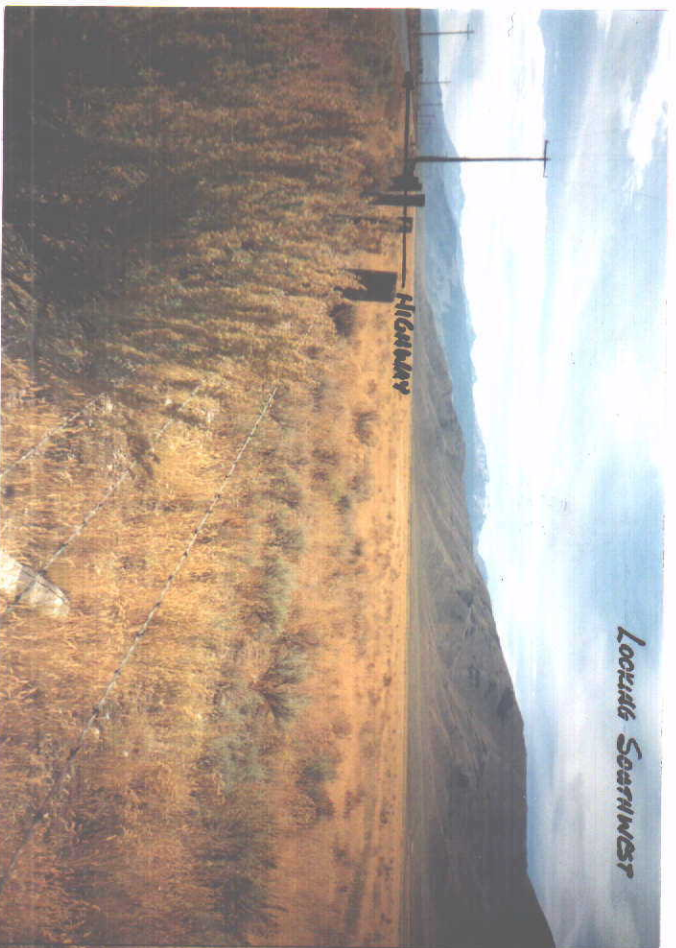
Looking Westward
HAWLEY MOUNTAIN



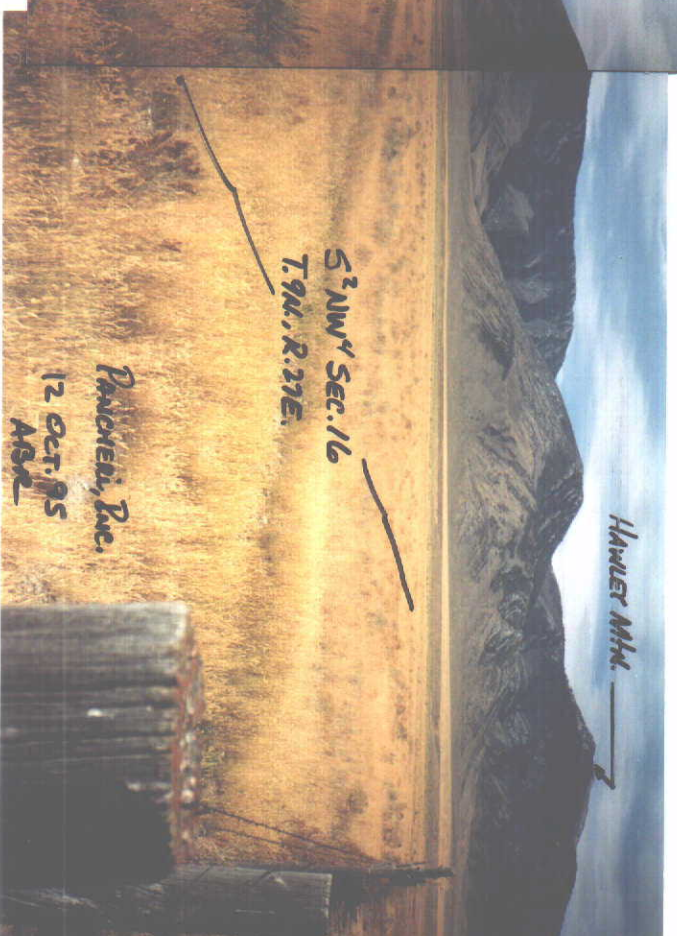
TAKEN FROM:
SE CORNER NENWI SEC. 16 T. 9N., R. 27E.

WELL
33-07202





Looking Southwest



HAWLEY MOUNTAIN

S² NW⁴ Sec. 16
T. 9N, R. 27E.

PANCHERI, DUC.

12 OCT. 95
AGE

Photo Set 2. Taken from SENENW Sec. 16 T. 9N, R. 27E.

Shows lands claimed as indicated.

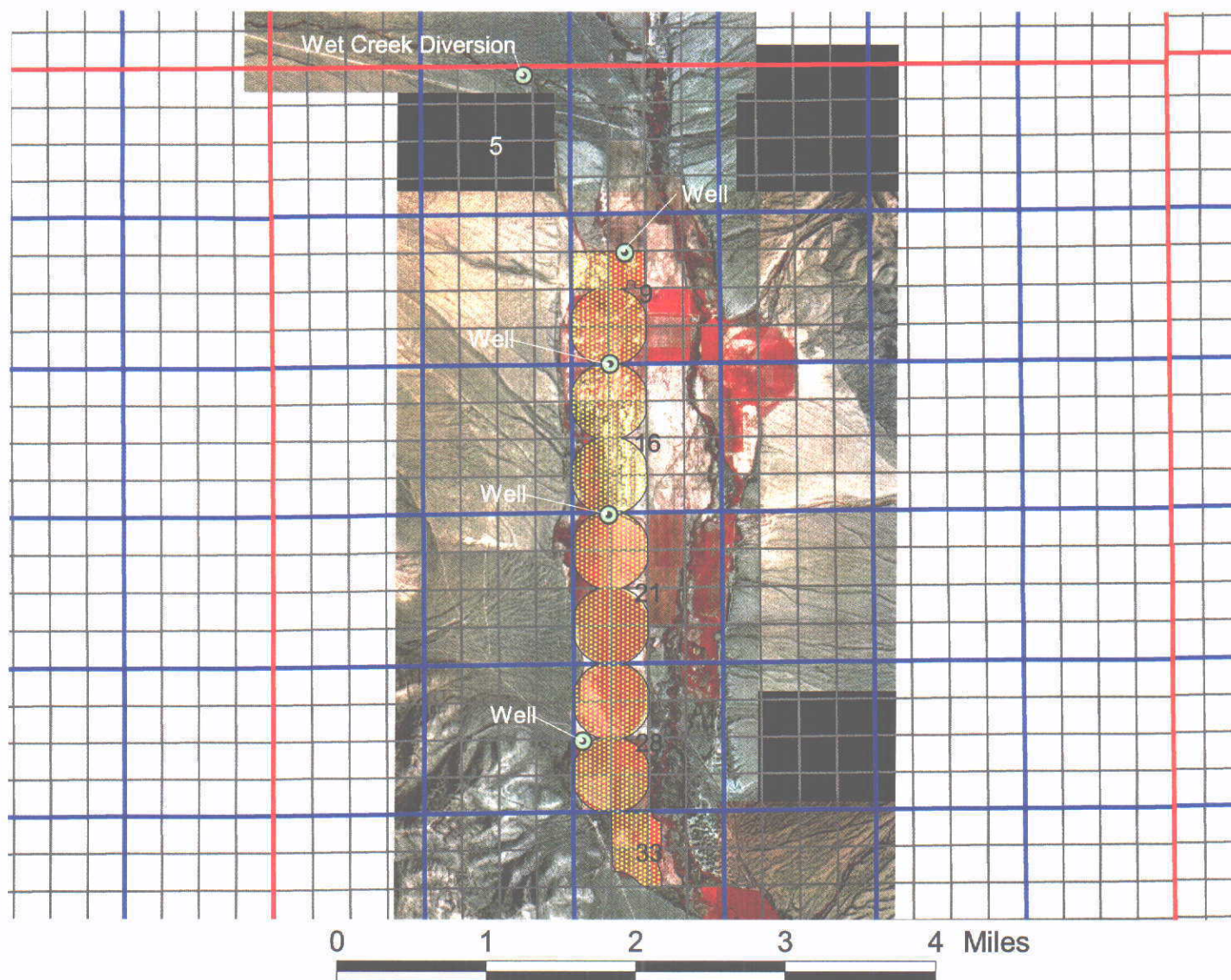
PANCHERI DUC.

Photos taken: 12 Oct 1995 AGE



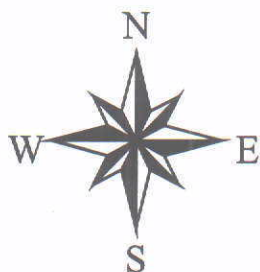
Department of Water Resources

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



Irrigated Acres = 1122

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



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

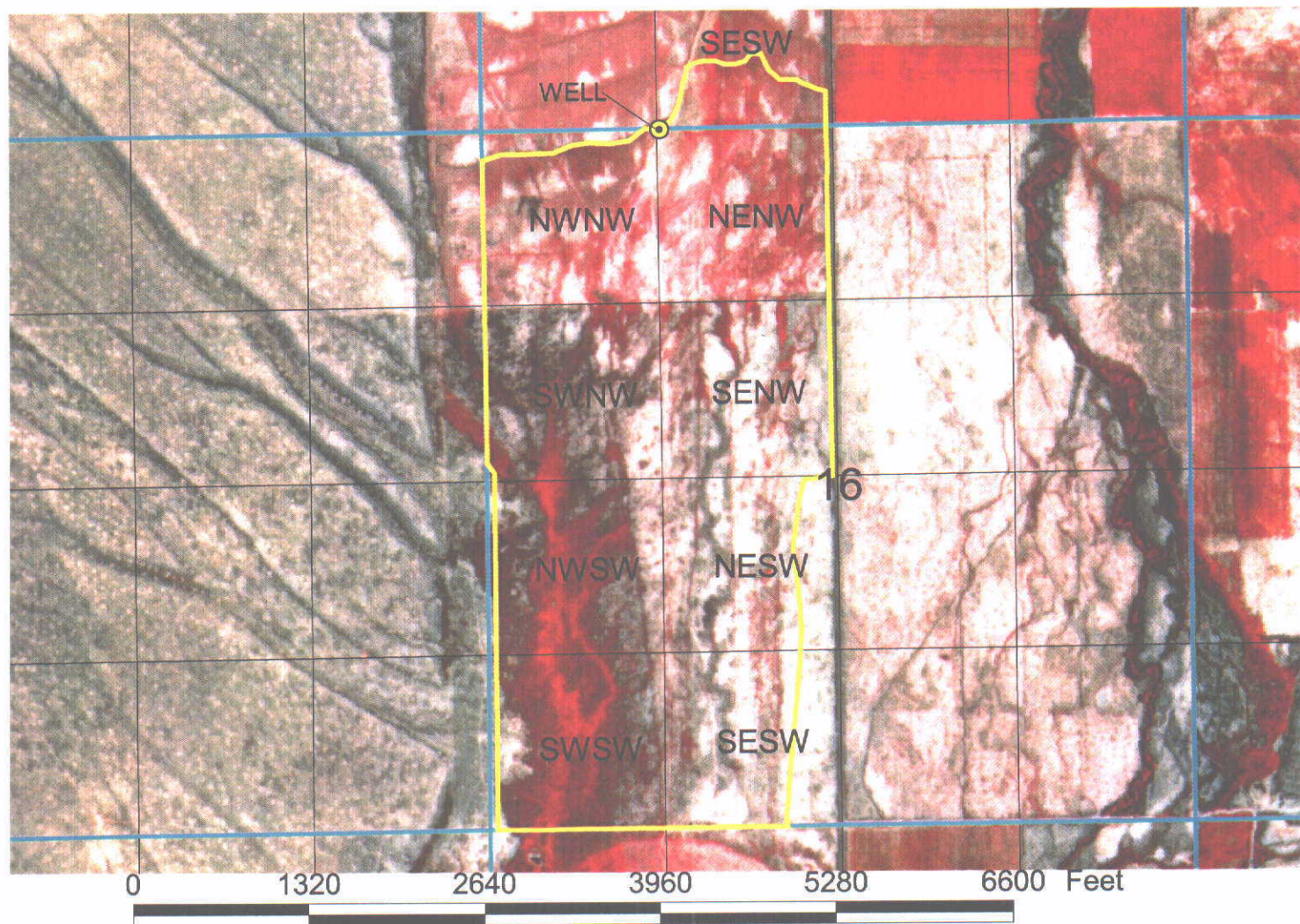


STATE OF IDAHO

Department of Water Resources

Water Right(s): 33-7202

T09N R27E



LEGEND



Point of Diversion



Place of Use

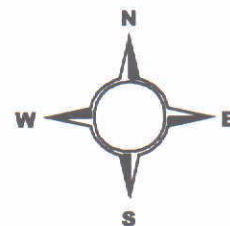


Section Line



Quarter-section line

Irrigated Acres = 300



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



STATE OF IDAHO

Department of Water Resources

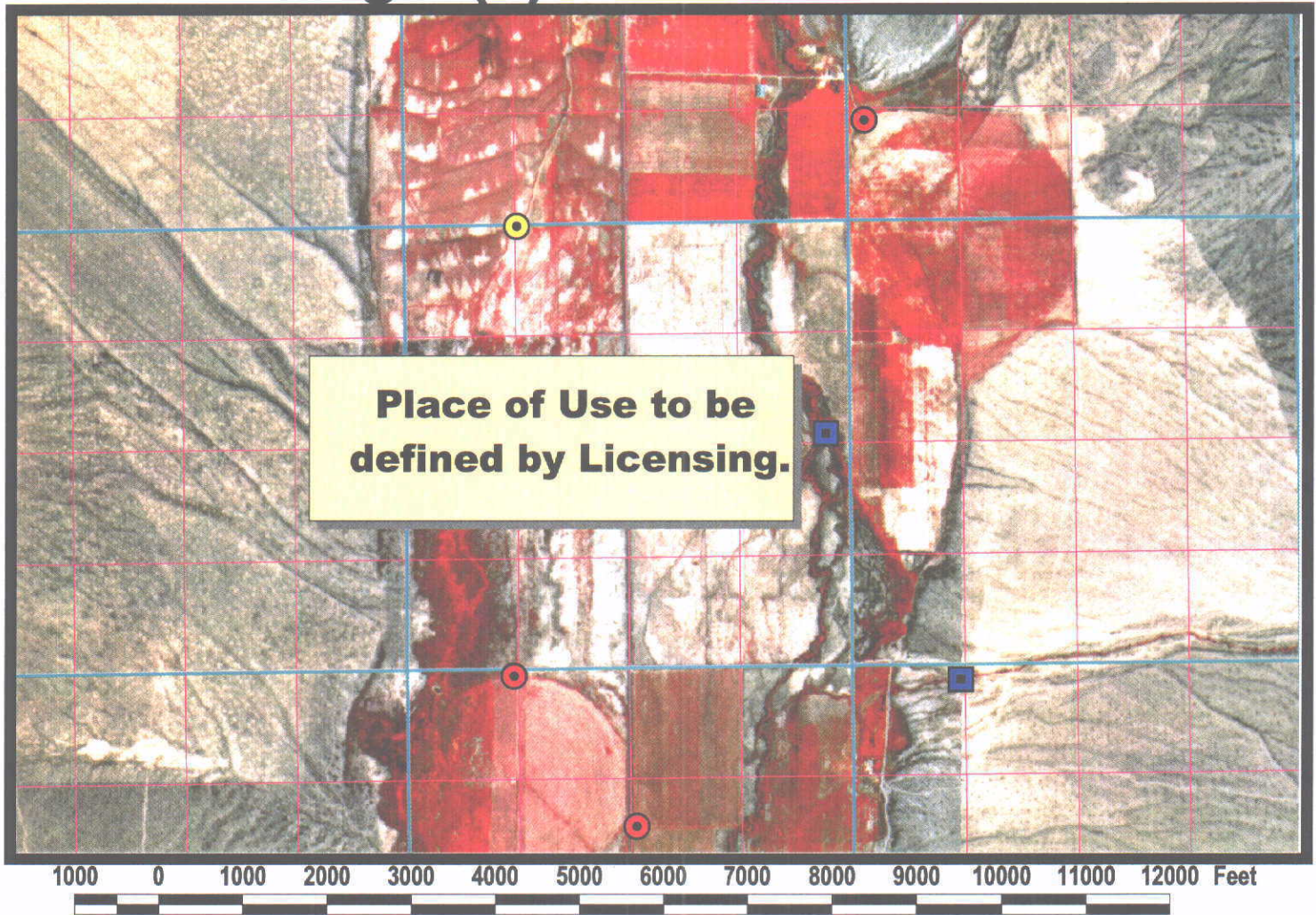
Eastern Region

*No GRS
Reel 80#
POD 80#*

*WALT on
Lic.*

Claimant: Pancheri, Inc.

Water Right(s): 33-07202 PERMIT



LEGEND



Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use



Section Line



Quarter-section line

**Place(s) of Use: T.9N., R.27E.
(parts) Sec. 9 and 16 to be
defined by Licensing.**

**Point(s) of Diversion: T.9N., R.27E.
Sec. 16 NWNENW**



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

2002 MAY -1 AM 9:35

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)

Case No. 39576)

ORDER OF PARTIAL DECREE

For Water Right 33-07202

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

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

Therefore, IT IS ORDERED that water right 33-07202 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED May 1, 2002



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 33-07202

2002 MAY -1 AM 9:36

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: PANCHERI INC
C/O HOLDEN KIDWELL
HAHN & CRAPO
PO BOX50130
IDHAO FALLS, ID 83405

SOURCE: GROUNDWATER

QUANTITY: 3.11 CFS
1050.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 33-7015 IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1666 AF.

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

PRIORITY DATE: 11/08/1995

POINT OF DIVERSION: T09N R27E S16 NWNENW Within Butte County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-15 TO 10-31 3.11 CFS
1050.00 AFY

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

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

USE OF THE RIGHT LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 476 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 33-7015, 33-7202.

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

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 33.

THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT SURFACE WATER RIGHTS IN CONJUNCTION WITH GROUND WATER DIVERTED UNDER THIS RIGHT AND SHALL ONLY DIVERT GROUND WATER UNDER THIS RIGHT WHEN WATER FROM THE APPURTENANT SURFACE WATER RIGHTS CANNOT BE DELIVERED TO THE RIGHT HOLDER.

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

RULE 54(b) CERTIFICATE

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

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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

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

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 33-07202

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 33-07202 was mailed
on May 01, 2002, with sufficient first-class postage prepaid
to the following:

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

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

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
05/01/02



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 4, 2002

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

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

Dear Sir:

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

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

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

Respectfully,

Cheri Vandermeulen
Records Clerk

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

In Re SRBA

)

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

)

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer **68885**

☐ point of diversion

☒ place of use

☐ period of use

☐ nature of use

☐ split of water right

☐ change in ownership

☐ other

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

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

DATED: January 4, 2002

Ernest Carlson
Signature of IDWR Representative

CERTIFICATE OF MAILING

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

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

Cheri Undermaulen

Signature of person or attorney mailing the form

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

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

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

Summary of Water Rights Before the Proposed Change

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

Purpose of Transfer (Changes Proposed)

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

Summary of Water Rights After the Approved Change

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

Detailed Water Right Description(s) attached

Dated this 7 day of Nov, 2001

Chief, Water Allocation Bureau

WATER RIGHT NO. 33-7202
As Modified by Transfer No. 68885

In accordance with the approval of Transfer No. 68885, Water Right No. 33-7202 is now described as follows.

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

Priority Date: 11/08/1995

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	3.11 CFS	1,050.0 AF
			3.11 CFS	1,050.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNENW Sec. 16 Twp 09N Rge 27E BUTTE County

PLACE OF USE: IRRIGATION

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

Total Acres: 1122

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval. *11/7/22*
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

WATER RIGHT NO. 33-7202
As Modified by Transfer No. 68885

CONDITIONS OF APPROVAL

- B07* 5. Use of water under this water right will be regulated by the watermaster of State Water District No. 33.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 065* 7. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
8. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
- K06* 9. This right is limited to the irrigation of 300 acres within the place of use described above in a single irrigation season.
- E04*
E14 10. Rights 33-84, 33-85, 33-90E, 33-2065, 33-2066A, 33-2066B, 33-7015, 33-10070 and 33-10998 when combined shall not exceed a total diversion rate of 18.73 cfs, a total annual maximum diversion volume of 3927.0 af at the field headgate, and the irrigation of 1122 acres.
11. Rights 33-90E, 33-7202 and 33-10070 when combined shall not exceed the irrigation of 300 acres.
12. Rights 33-7015 and 33-7202 when combined shall not exceed a total annual maximum diversion volume of 1666.0 af at the field headgate, and the irrigation of 476 acres.
13. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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

Dated this _____ day of _____, 20____

Chief, Water Allocation Bureau

N AP
Sent
3-2-01

TRANSFER APPLICATION STAGE

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

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

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

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

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

- 1.
- 2.
- 3.

- 4.
- 5.
- 6.

TRANSFER APPROVAL STAGE

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

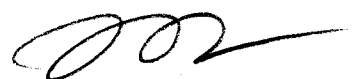
*2) Any additional overlapping recommended rights

- 1.
- 2.
- 3.

- 4.
- 5.
- 6.

* To be completed by agent

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



MEMORANDUM

To: Transfer File 68885

From: Sharla

Date: November 8, 2001

Re: Combined Diversion Rate

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

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

Ruberry, Allen

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

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

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

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

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

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

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

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

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

Ruberry, Allen

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

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

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

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

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

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

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

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

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

Case

2001 OCT 19 PM 02:23
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	ORDER SETTING STATUS	
	)	CONFERENCE	
Case No. 39576	)		
_____	)	SUBCASE NOS: 33-07087	33-07202

Please be advised that Special Master BRIGETTE BILYEU
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, OCTOBER 30, 2001 at 10:00 AM

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Option: Parties may participate by phone if they contact the
clerk at (208) 736-3011 prior to OCTOBER 26, 2001.

IT IS SO ORDERED.

Dated: OCTOBER 19, 2001

/S/ BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on OCTOBER 19, 2001, with sufficient first-class postage to the following:

PANCHERI INC

Represented by:

KENT W FOSTER

PO BOX 50130

IDAHO FALLS, ID 83405

Phone: 208-523-0620

USDI BLM

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

Phone: 208-387-0835

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 26, 2001

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

RE: License for Water Right number 33-7202 and Notice of Completed
Administrative Proceeding (NCAP)

Dear Mr. Pancheri:

The Idaho Department of Water Resources (IDWR) approved Water
Right License # 33-7202, modifying the above referenced water right.
Based on this license, IDWR water right records for the Snake River
Basin Adjudication (SRBA) have been updated.

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

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

Respectfully,

Cheri Vandermeulen
Records Clerk

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

In Re SRBA

Water Rights: 33-7202

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

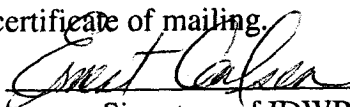
- ☐ Address change
- ☐ Substitution of Party
- ☒ Other: Licensed
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership
 - ☐ other

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

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

DATED

Oct 26, 01



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Oct. 26, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

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

2. One copy to:

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

3. One copy to:

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

4. One copy to:

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

5. One copy each to:

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

6. One Copy to:

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

Cheri Undermaulen

Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 27, 2001

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

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

Dear Mr. Foster:

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

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

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

Respectfully,

Cheri Vandermeulen
Cheri Vandermeulen
Records Clerk

Enclosure

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

In Re SRBA

Case No. 39576

Water Rights: 33-84, 33-85, 33-7015,
33-7202, 34-10070, 33-10998

NOTICE OF ADMINISTRATIVE
PROCEEDING

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

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

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

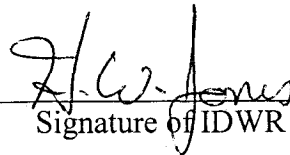
☐ I.C. § 42-222 transfer **68885**

☐ point of diversion ☒ place of use

☐ period of use ☐ nature of use

IDWR projects the Administrative Proceeding shall be completed no later than: **FEB 27, 2002**

DATED: 2-28-01



Signature of IDWR Representative

CERTIFICATE OF MAILING

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

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

Cheri Undermeulen

Signature of person or attorney mailing the form

33-7203
DISTRICT COURT SRBA
FIFTH JUDICIAL DISTRICT
COUNTY OF TWIN FALLS, STATE OF IDAHO

OCT 25 2000

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

Teri Harnack
Deputy Clerk



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

DIRK KEMPTHORNE
GOVERNORKARL J. DREHER
DIRECTOR

April 13, 2000

Jerry Pancheri
HC 85 Box 2104
Howe, ID 83244

RE: Permit No. 33-07202

Dear Mr. Pancheri:

We are reviewing the above referenced permit for licensing purposes and find we need additional information in regard to your development. This permit was approved with a condition requiring submittal of information regarding the construction of the well that we have not received. The condition on the permit states:

The well shall be cased with unperforated casing and sealed to a minimum depth of 150 feet or to the first confining layer, whichever is deeper. Both the owner and the well driller are charged with the responsibility of taking whatever steps might be necessary to prevent the shallow "perched" groundwater from entering the well. The permit holder is required to provide evidence to show the existence of a confining layer if the well is not cased with unperforated casing and sealed to a depth of 150 feet.

In a review of our records, we find we do not have a well log for this well. We do have a copy of the receipt you received from Golden West Pump, Inc. which describes what you had installed in the well in 1992. However, the receipt states that you purchased only 130' of column, tube and shaft and it does not state if the column is unperforated as required. Before we can go any further with the licensing of this permit, you need to submit the information required in the above condition of approval.

Please submit the requested information within 30 days of the date of this letter. If we do not receive the information we may take action to void your permit for failure to comply with the conditions of approval. If you have any questions in regard to this matter, please feel free to contact our office.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k

Enclosure: Copy of Permit 33-07202

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 33-07202

Proposed Priority: January 17, 1984 Maximum Diversion Rate: 8.80 CFS
This is to certify, that **JERRY PANCHERI**
HOWE ID 83244
has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	8.80 CFS

LOCATION OF POINT(S) OF DIVERSION: NENW Sec. 16, Township 09N, Range 27E
BUTTE County

<u>PLACE OF USE: IRRIGATION</u>			<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>				
09N	27E	16	NENW 40	NWNW 40	SWNW 40	
			SESW 40	NESW 40	NWSW 40	
			SWSW 40	SESW 40		320
	20		NENE 40			40
	21		NENW 40	SESW 40		80

Total number of acres irrigated: 440

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 1995**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. A flow measurement port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
7. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

RECORDED
SEP 27 1991

PAGE 2

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 33-07202

8. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
9. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
10. The well shall be cased with unperforated casing and sealed to a minimum depth of 150 feet or to the first confining layer, whichever is deeper. Both the owner and the well driller are charged with the responsibility of taking whatever steps might be necessary to prevent the shallow "perched" groundwater from entering the well. The permit holder is required to provide evidence to show the existence of a confining layer if the well is not cased with unperforated casing and sealed to a depth of 150 feet.
11. Diversion and use of water from the well is subject to the control of the watermaster of Water District No. 33, the Little Lost River.
12. The Director retains jurisdiction of the construction of the well to require mitigation or reconstruction of the well if prior water rights are injured as determined by the Director.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

4th day of September, 1991.

R. Keith Higginson
R. Keith Higginson, Director

for

SEP 27 1991

RECEIVED

APR 10 2000

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase 33-07202

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

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

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

Daytime Phone: see below

Name & Address of Attorney, if any:

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

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

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

Name: Pancheri, Inc.

Address: HC 65 Box 2104 Howe, ID. 83244

Name: c/o Jerry Pancheri, President

Address:

Name:

Address:

Name:

Address:

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See attached

11. **I object because:**

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

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

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

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

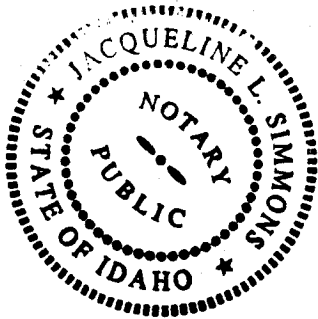
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

Fredric W. Price
(Signature of person filing objection)

(Attorney signing in representative capacity)

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



Jacqueline L. Simmons

Jacqueline L. Simmons

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 04-07-2005

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: Pancheri, Inc.

Address: HC 65 Box 2104 Howe, ID. 83244

Name: c/o Jerry Pancheri, President

Address:

Name:

Address:

Name:

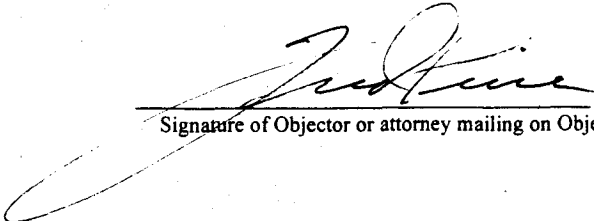
Address:

3. Copies to:

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

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

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


Signature of Objector or attorney mailing on Objector's behalf

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 33-07202

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

SOURCE: GROUNDWATER

QUANTITY: 8.8 CFS

PRIORITY DATE: 11/08/1995

POINT OF DIVERSION: T09N R27E S16 NWNENW Within BUTTE County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 04-01 11-01 8.8 CFS

PLACE OF USE: IRRIGATION Within BUTTE County
T09N R27E S16 NENW 40 NWNW 40 SWNW 40 SENW 40
NESW 40 NWSW 40 SWSW 40 SESW 40
S20 NENE 40 BLM
S21 NENW 40 SENW 40
440 ACRES TOTAL

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

THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.

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. THIS CLAIM IS SUBJECT TO THE CONDITIONS OF THE PERMIT AND LICENSE TO BE ISSUED.

EXPLANATORY MATERIAL: BASIS OF CLAIM - PERMIT

Issue:

Place of use on BLM

→ Farming on public land is not authorized

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: 33-07202

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

Daytime Telephone Number:

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

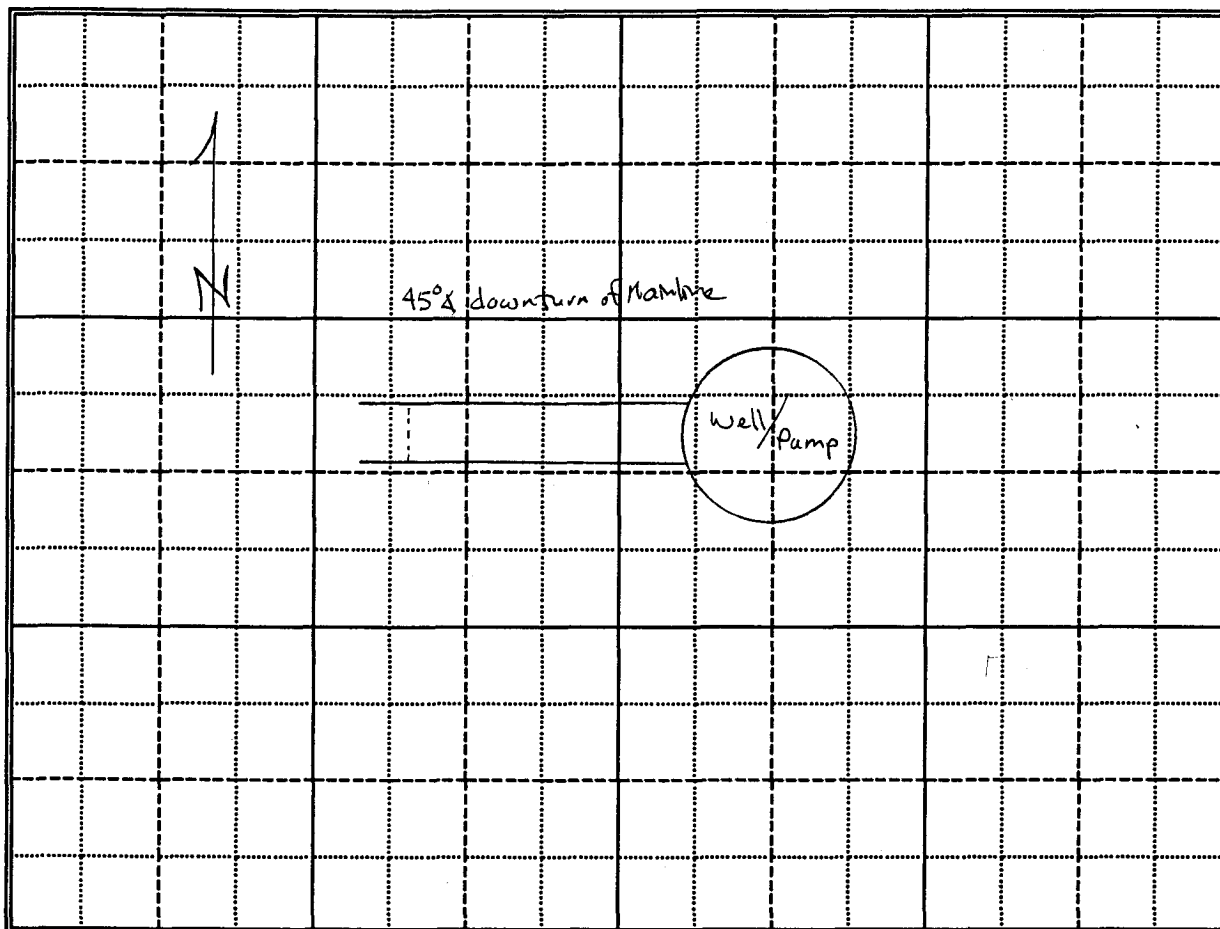
 I AGREE with this proposed recommendation; no changes need to be made.

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

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

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir 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.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	U.S. Electric	50	R 6231-05-841 R 2137254 MM	Layne/Bowler Vertiline	2-0584

*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
Sonic Meter		Polysonic	TF-P	ID 149743 S/N 26863		

2. Measurements: $Q = 1395 \text{ gpm} = 3.11 \text{ cfs}$ SEE FLOW MEASUREMENT TAPE

E. (cont.)

07-12-1996 Initial exam field examiners [Allen Ruberry (Adj.) & Steve Garrison (summer hire)] observed no "ditches" only slight depressions in the S1/2NW1/4 or the SW1/4 of Sec 16, T09N, R27E. P/D was open discharge. Fence ran along south border of the N1/2NW1/4 Sec 16. Land south of fence was in sagebrush & did not appear to have been irrigated for some time (if ever). Roman Pancheri (son & system operator) indicated P/D irrigated SE1/4SW1/4 Sec 9 (11ac), and the W1/2 Sec 16, T09N, R27E (see Map #1 & Aerial #1). See Photos Sets A, B, C, and Photo Sets 1-8.

5-28-1998 Field exam (Keith C. Wilson, allocation). Observed only slight depressions no "ditches" within N1/2SW1/4 Sec 16. System was changed from initial exam. System now has two ground water wells and surface water co-mingled. The North P/D (SE1/4NW1/4 Sec 9) delivers water through a mainline to a sump with pump. Surface water is discharged into the same sump, and the sump pump diverts water into the underground N-S mainline with a center pivot & laterals with sprinklers. The South well (NW1/4NE1/4NW1/4 Sec 16) delivers water to the underground N-S mainline. The underground N-S mainline terminates at a valve in the center of the NW1/4 Sec 16. At this point the N-S mainline can be hooked into a portable mainline for sprinkler or flood irrigation of the S1/2NW1/4, & SW 1/4 of Sec 16. The hand lines had 32 sprinklers east and 41 sprinklers West of the N-S mainline/portable mainline.

The USGS Quad map indicates a N-S fence line (Photo Set #3) approximately 360 feet into the E1/2 of E1/2 of Sec 17, T09N, R27E. With 32 sprinklers East and 41 sprinklers West of the N-S mainline/portable mainline it would appear that the permit holder may be trying to irrigate approximately 43 acres of BLM ground in the E1/2 of E1/2 Sec 17. (I.E. 10 ac NENE, 11 ac SENW, 11 ac NESE, & 11 ac SESE Sec 17, T09N, R27E) (See Map # 4)

05-19-1999 Flow measurement $Q = 3.11$ cfs. Measured with open discharge at the center of NW1/4 Sec 16 (Sonic meter readings at the well in the NW1/4NE1/4NW1/4 Sec 16 were not reliable). The 1987 NAAP photo and the FSA aeriels appear to indicate "ditches" within the W1/2 Sec 16. At 0.02 cfs/ac, 3.11 cfs would irrigate 155.5 acres. Allen Ruberry (Adj.) would concede to the irrigation of 167 ac at 0.0189 cfs/ac (0.93 miners inches/ac) almost 0.02 cfs/ac. See Map #2 & Aerial #2. Licensing the 11 ac in the SE1/4SW1/4 Sec 9 would require a licensing amendment.

I have a difficult time recommending more irrigated acres than the original exam. At 0.01 cfs/ac (1/2 miner inch/ac) would allow 33-07202 to be licensed for 311 ac (I.E. $3.11 \text{ cfs} / 0.01 \text{ cfs/ac} = 311 \text{ ac}$). Only the W1/2 of Sec 16 and SE1/4SW1/4 Sec 9 (11 ac), were indicated as being irrigated. See Map # 3 & Aerial # 3.

T09N, R27E

Sec 16

39 ac NENW	30 ac NESW
36 ac NWNW	39 ac NWSW
39 ac SWNW	38 ac SWSW
39 ac SENW	29 ac SESW
289ac	

Sec 9

11 ac SE1/4SW1/4
11 ac

Total Acres = $289 + 11 = 300 \text{ ac}$

(Note: Licensing place of use as above requires a licensing amendment.)

The exam on 07-12-1996 found open discharge for flood irrigation. Can 0.01 cfs/ac be considered beneficial use?

If the place of use is for pasture then maybe it could be considered beneficial use. It appears that Pancheri Inc plans to irrigate for agricultural crops (requiring $> 0.01 \text{ cfs/ac}$)

At 0.012 cfs/ac (0.6 miner inch) 33-07202 could be licensed for 260 ac ($3.11 \text{ cfs} / 0.012 \text{ cfs/ac} = 259.2 \approx 260 \text{ ac}$).

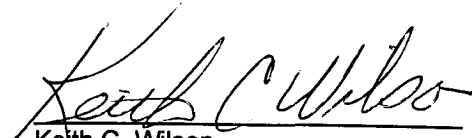
Permit applicants are advised to apply for no less than 0.012 cfs/ac (0.6 miner inch) for sprinklers or 0.02 cfs/ac for flood irrigation.

T09N, R27E

Sec 16

39 ac NENW	30 ac NESW
36 ac NWNW	39 ac NWSW
39 ac SWNW	38 ac SWSW
39 ac SENW	
260 ac	

Total Acres = 260 ac


Keith C. Wilson

Senior Resource Agent

33-07202

E. NARRATIVE/REMARKS/COMMENTS

SYSTEM
Now: Well pump to mainline to laterals with sprinklers and open discharge
N-S mainline runs through the centerline of $W\frac{1}{2}$ Sec 9 & 16. A sump is located
at the NORTH end of the N-S mainline [Surface & Groundwater (well in $SE\frac{1}{4}NW\frac{1}{4}$
Sec 9 T9N R27E) are co-mingled] Water from sump is diverted ^{into NS mainline} by a booster
pump. N-S mainline ends at Center of $NW\frac{1}{4}$ Sec 16 (SW corner NENW Sec 16, T9N,
R27E). At that point water can be either open discharge or portable
mainline to laterals w/sprinklers.

at the time of this exam only this well ($NW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$ Sec 16, T9N,
R27E) was being diverted.

This field exam is based on only this well ($NWNE\frac{1}{4}NW$ Sec 16, T9N, R27E)
since original exam indicated that this permit consisted of this well
open discharge & flood irrigation.

Max possible acres irrigated calculated at $0.01 cfs/ac$ ($3.11 cfs / 0.01 cfs/ac = 311 ac$)
equal 311 ac. Roman Pancheri indicated irrigation of 11 ac w/in $SESW$ Sec 9, T9N,
R27E. To include those acres would require a licensing amendment.

* FROM THE ADJUDICATION DATA BASE IT APPEARS THAT PANCHERI
INC is including all points of diversion from all sources on all THE
GROUND OWNED BY PANCHERI INC.

SEE ATTACHED PAGE "E. (CONT)"

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

F. FLOW CALCULATIONS

Measured Method:

 $Q = 3.11 \text{ cfs}$ ☒ Additional Computation Sheets Attached

Total ac = 300 ac

RECOMMEND: $3.11 \text{ cfs} / 260 \text{ ac}$
($0.01196 \text{ cfs/ac} = 0.59 \text{ mmers incl}$)
(Approx 0.6 mmers incl) Q LIMITED BY CAPACITY**G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (260) 3.5 \text{ af} = 910 \text{ af}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 3.11(183)1.9835 = 1128.9$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 910 \text{ af}$$

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		
IRRIGATION	4/15	10/15	3.11 cfs	910 af
Totals:			3.11 cfs	910 af

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. AUTHENTICATION

Field Examiner's Name

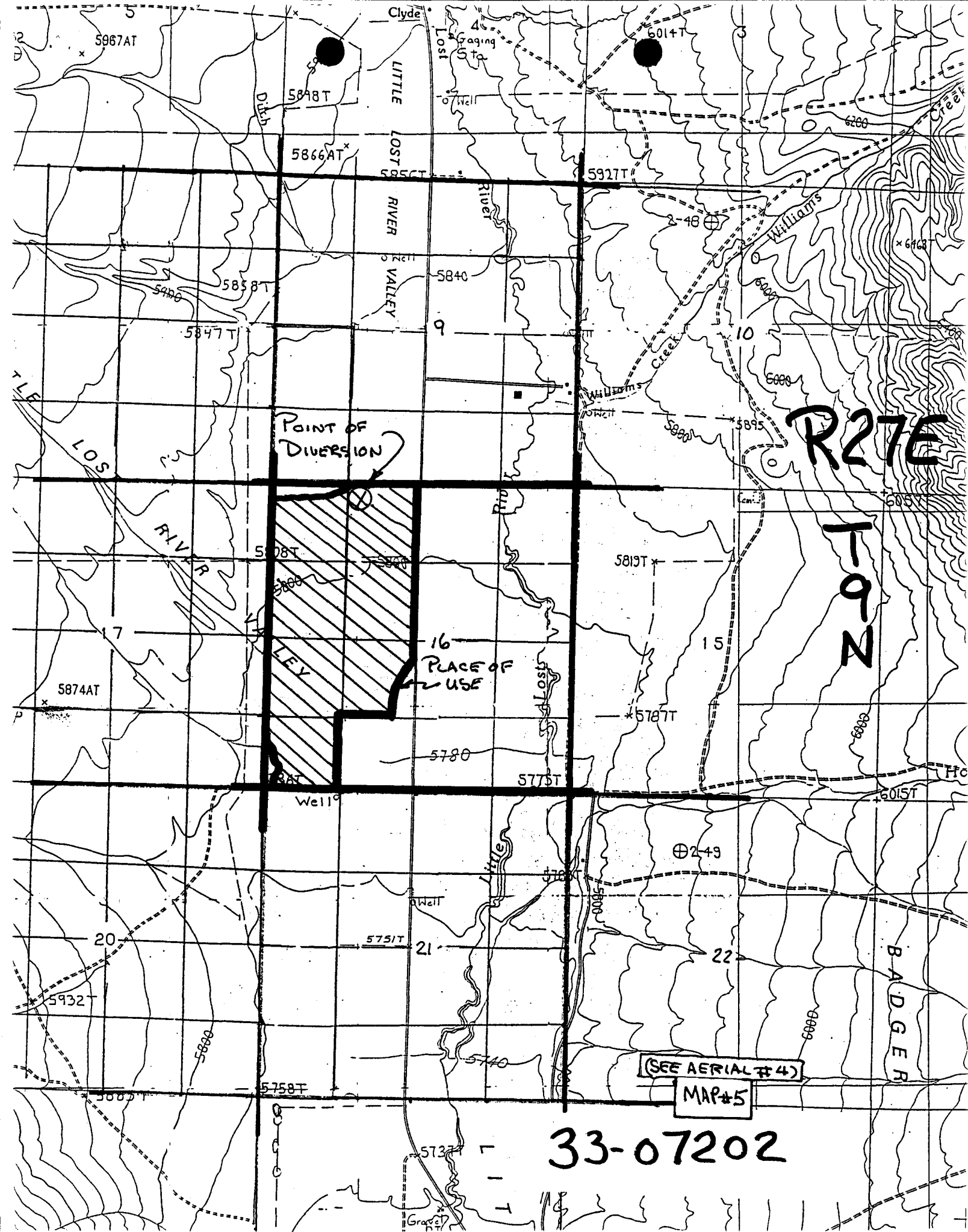
Keith C Wilson 6-22-1999

Date 5-18-1999

Reviewer

Date

SEAL



PANCHERI, INC.

POINT OF DIVERSION

33-07202

36
39
39
39
30
38

PLACE OF USE

9 10

16 15

16 15

21 22

AERIAL
#4
(SEE MAP #5)

33-07202

5/20/98
A. Ruessner

Looking Westward

HAWLEY MOUNTAIN

Taken From:
SE CORNER NENW SEC. 16 T.9N., R.27E.

Well 33-07202



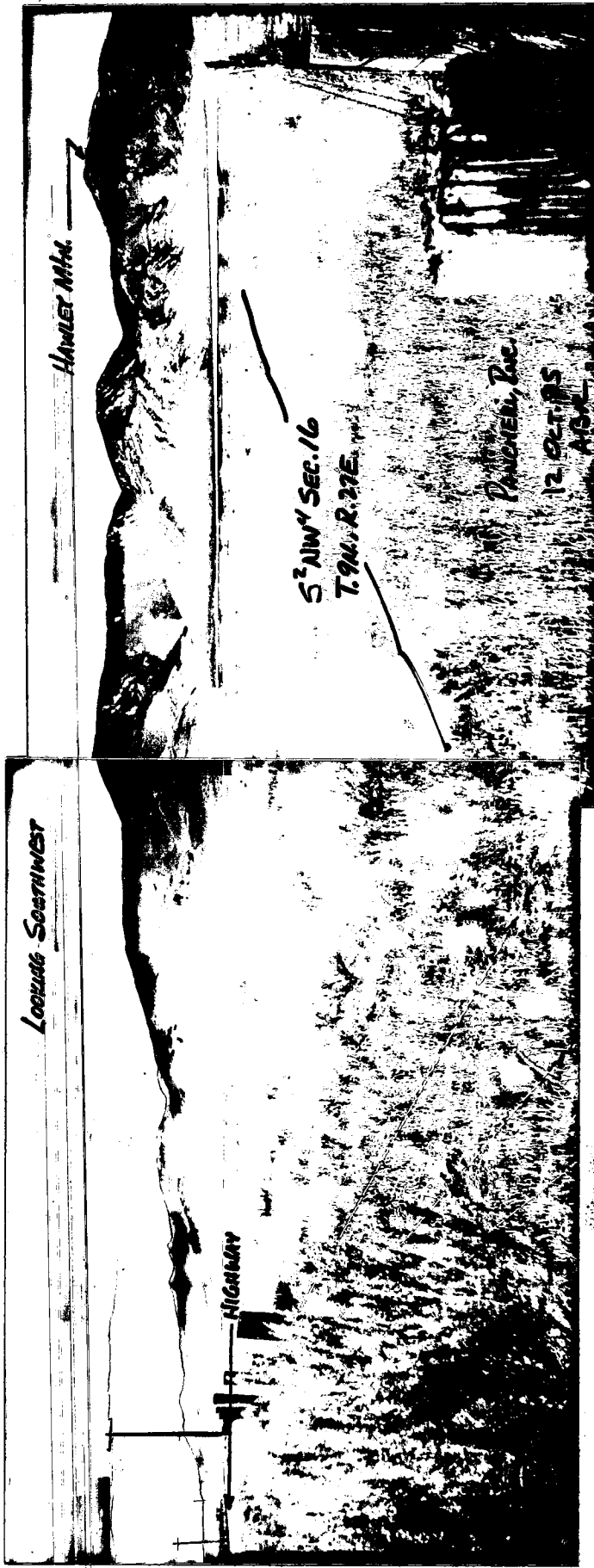


Photo Set 2: Taken from SENENW SEC. 16 T. 9N., R. 27E.
SHOWS LANDS CLAIMED AS ILLUSTRATED.

PANCHERI DUC.

Photos taken: 12 Oct 1995 ABL

1 - HC 65

NORTHWEST FARM CREDIT SERVICES ACA

City- HOWE
Phone - 208-000-0000
1 - PO BOX 10

State- ID Zip- 832210010

City- BLACKFOOT
Phone - 208-000-0000

+ - -	Priority Date	- - +	+ - - -	Region	- - - +	+ - - -	Stage	- - - +	+ - - -	Status
							P - PERMIT			
				15 EASTERN						
				11/08/1995						

[illegible]

Twp	Rng	Sec	Tract	Lot	Rflq	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
-----	-----	-----	-------	-----	------	--------	--------------------	----------------	----------------	---------------

09N 27E 16 NE NW (23) BUTTE

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

01 - IRRIGATION	04/01	11/01	8-800
-----------------	-------	-------	-------

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Div. Capacity - +	+ - Total Consumptive Use - +	+ - KW Usage - +
8,800			0.0	

Twn	Rng	Sec	Tract	Lot	Acres	Code	Place of Use	Description	County
-----	-----	-----	-------	-----	-------	------	--------------	-------------	--------

09N	27E	16	NE NW	40.0	01	IRRIGATION	(23)	BUTTE
09N	27E	16	NW NW	40.0	01	IRRIGATION	(23)	BUTTE
09N	27E	16	SW NW	40.0	01	IRRIGATION	(23)	BUTTE
09N	27E	16	SE NW	40.0	01	IRRIGATION	(23)	BUTTE
09N	27E	16	NE SW	40.0	01	IRRIGATION	(23)	BUTTE
09N	27E	16	NW SW	40.0	01	IRRIGATION	(23)	BUTTE
09N	27E	16	SW SW	40.0	01	IRRIGATION	(23)	BUTTE
09N	27E	16	SE SW	40.0	01	IRRIGATION	(23)	BUTTE
09N	27E	20	NE NE	40.0	01	IRRIGATION	(23)	BUTTE
09N	27E	21	NE NW	40.0	01	IRRIGATION	(23)	BUTTE
09N	27E	21	SE NW	40.0	01	IRRIGATION	(23)	BUTTE

Total Acres: 440.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

33-07202

+ - - Other Rights for Same Use -

[illegible]

The well shall be cased with unperforated casing and sealed to a minimum depth of 150 feet or to the first confining layer, whichever is deeper. Both the owner and the well driller are charged with the responsibility of taking whatever steps might be necessary to prevent the shall "perched" groundwater from entering the well. The permit holder is required to provide evidence to show the existence of a confining layer if the well is not cased with unperforated casing and sealed to a depth of 150 feet.

Diversion and use of water from the well is subject to the control of the watermaster of Water District No. 33, Little Lost River.

The Director retains jurisdiction of the construction of the well to require mitigation or reconstruction of the well if prior water rights are injured as determined by the Director.

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

+ - - - - - Conditions of Approval - - - - -
 26A - Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
 01C - A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
 051 - Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
 052 - Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
 053 - The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.
 03A - The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

+ - Decree Date - +

WATER RIGHT

- - -Comments- - -
No Comments Found

06/10/91 BODELL 07/29/91 LUKE 08/26/91 SKAGGS 09/03/91 SKAGGS 03/29/94 ZIMMERMAN
09/07/95 COMMENTS 11/01/95 SCURTIS 03/06/96 SCURTIS 03/06/96 COMMENTS 03/06/96 SCURTIS
08/09/96 KILSON 07/09/99 SCURTIS

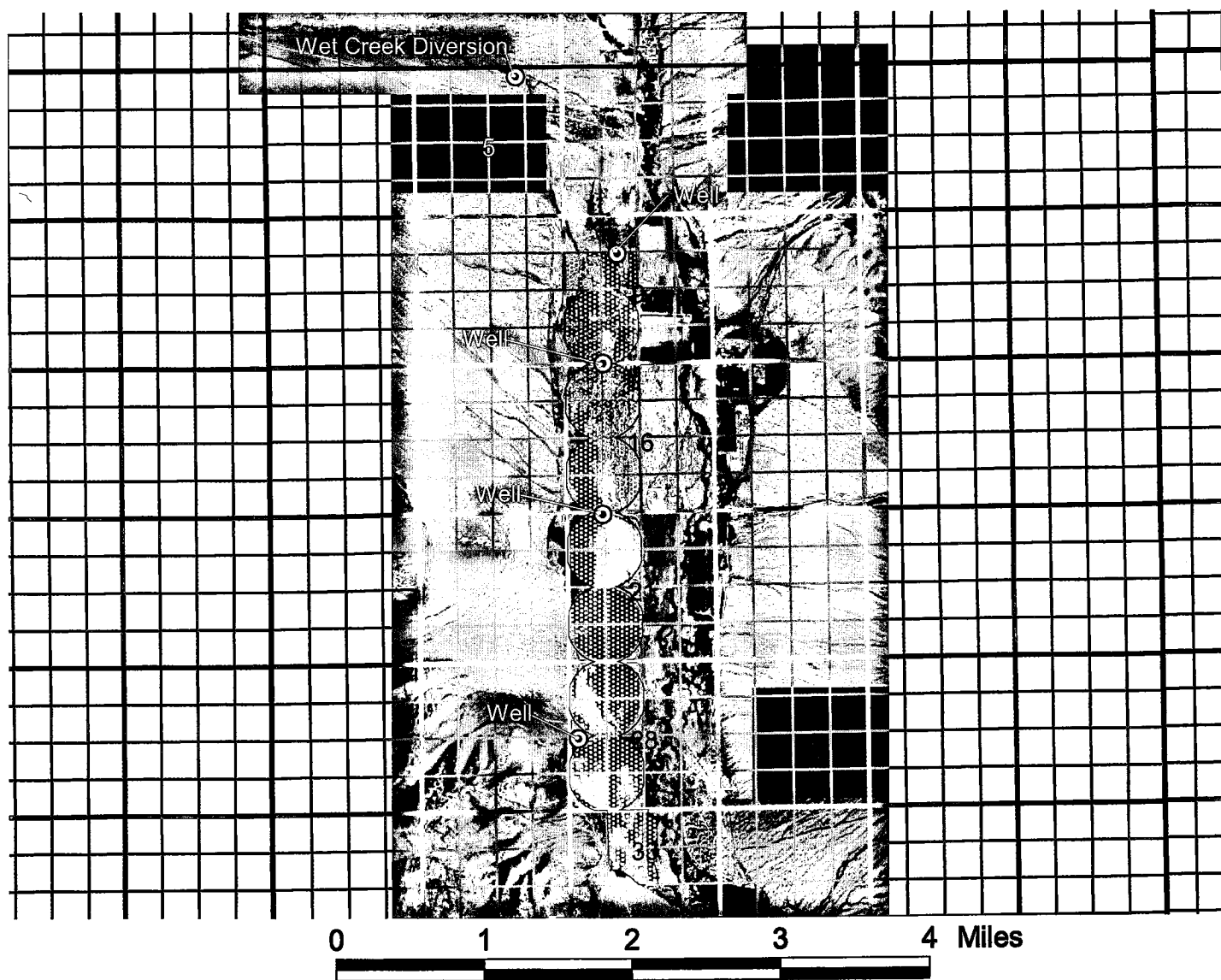
[illegible]

Field Exam Fee	-	R
Swan Falls	-	7 P
Temporary Right	-	
DLE/Carey Act	-	
Water District	-	
Transfer/Amended	-	
POU Ownership Flag-	-	Y



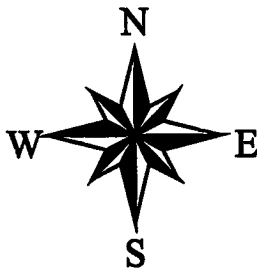
Department of Water Resources

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



Irrigated Acres = 1122

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



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

01/07/2002

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

RIGHT NUMBER: 33-7202
NAME AND ADDRESS: PANCHERI INC
C/O HOLDEN KIDWELL
HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.110 CFS
1,050.00 AFY

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

USE OF THIS RIGHT WITH RIGHT NO. 33-7015 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1666 AF.

PRIORITY DATE: 11/08/1995

POINT OF
DIVERSION:

T09N R27E S16 NWNENW Within BUTTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	3.110 CFS 1,050.00 AFY

PLACE OF USE: IRRIGATION Within BUTTE County

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

1122 ACRES TOTAL

01/07/2002

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

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

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 476 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-7015, 33-7202.

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

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

rights in The right holder shall use the full allotment of appurtenant surface water
ground in conjunction with ground water diverted under this right and shall only divert
cannot water under this right when water from the appurtenant surface water rights
 be delivered to the right holder.
 THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER
 DISTRICT 33.
 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

a suitable After specific notification by the Department, the right holder shall install
determine measuring device or shall enter into an agreement with the Department to
 the amount of water diverted from power records and shall annually report the
 information to the Department.
transferred, If the surface water right(s) appurtenant to the place of use is sold,
shall not leased or used on any other place of use, this right to divert groundwater
or be used without an approved transfer pursuant to Section 42-222, Idaho Code,
 approval of the Department if a transfer is not required.
cfs per This right when combined with all other rights shall provide no more than 0.02
the lands acre nor more than 3.5 afa per acre at the field headgate for irrigation of
 above.
 The right holder shall accomplish the change authorized by this transfer by
 November 7, 2002.
cause for Failure of the right holder to comply with the conditions of this transfer is
 the Director to rescind approval of the transfer.

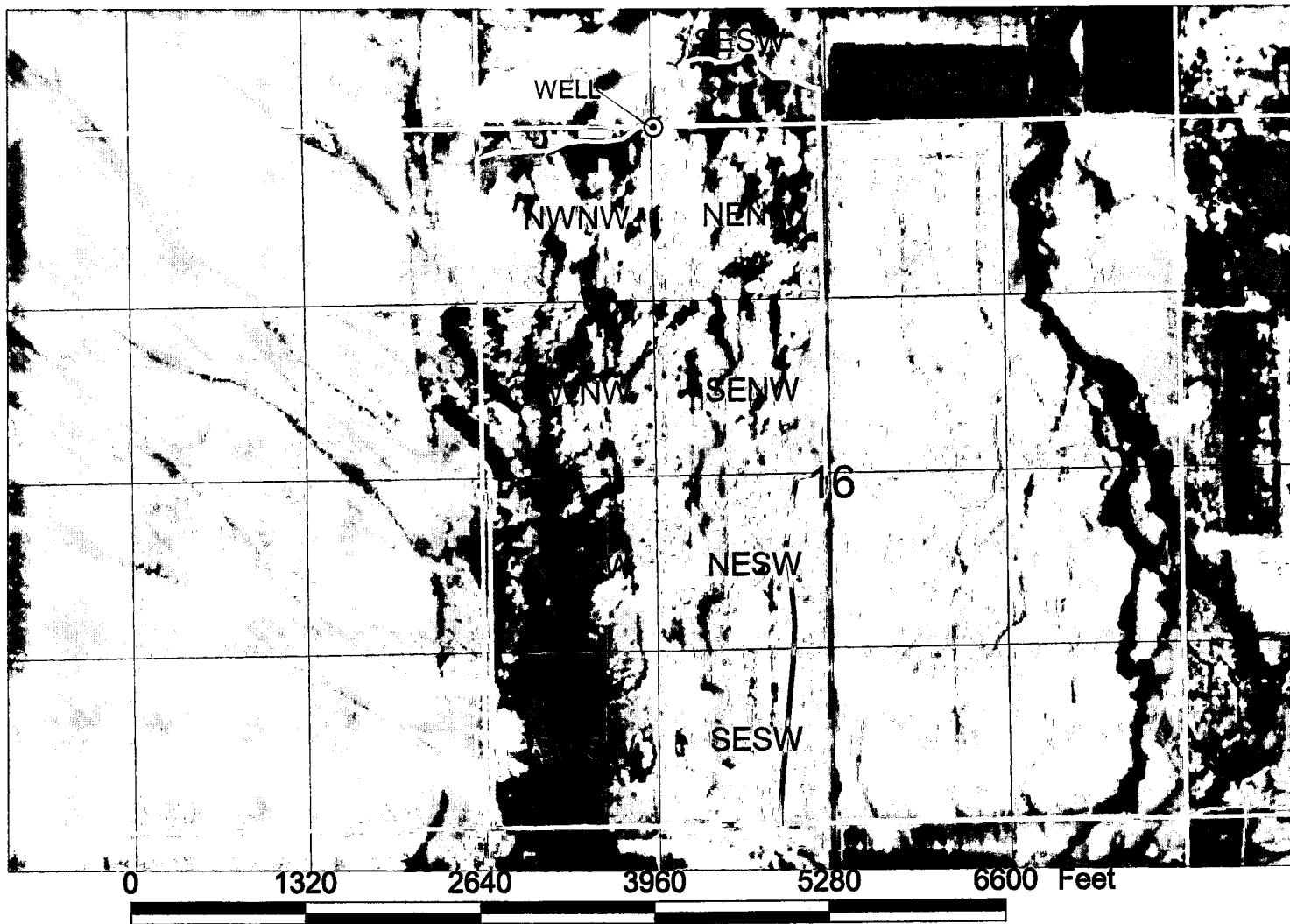


STATE OF IDAHO

Department of Water Resources

Water Right(s): 33-7202

T09N R27E



LEGEND



Point of Diversion



Place of Use

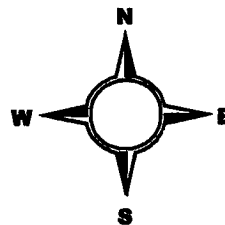


Section Line



Quarter-section line

Irrigated Acres = 300



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

10/26/2001

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

RIGHT NUMBER: 33-7202
NAME AND ADDRESS: PANCHERI INC
C/O JERRY PANCHERI PRES
HC 65 BOX 2104
HOWE ID 83244

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.110 CFS
1,050.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 33-7015 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1666 AF.

PRIORITY DATE: 11/08/1995

POINT OF
DIVERSION:

T09N R27E S16 NWNENW Within BUTTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	<u>3.110 CFS</u> <u>1,050.00 AFY</u>

PLACE OF USE: IRRIGATION Within BUTTE County

T09N R27E S16	NENW	39.0	T09N R27E S16	NWNW	36.0
T09N R27E S16	SWNW	39.0	T09N R27E S16	SENW	39.0
T09N R27E S16	NESW	30.0	T09N R27E S16	NWSW	39.0
T09N R27E S16	SWSW	38.0	T09N R27E S16	SESW	29.0
T09N R27E S09	SESW	11.0			

300 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 33-7015 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 476 ACRES IN A SINGLE IRRIGATION SEASON.

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

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

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 33.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



STATE OF IDAHO

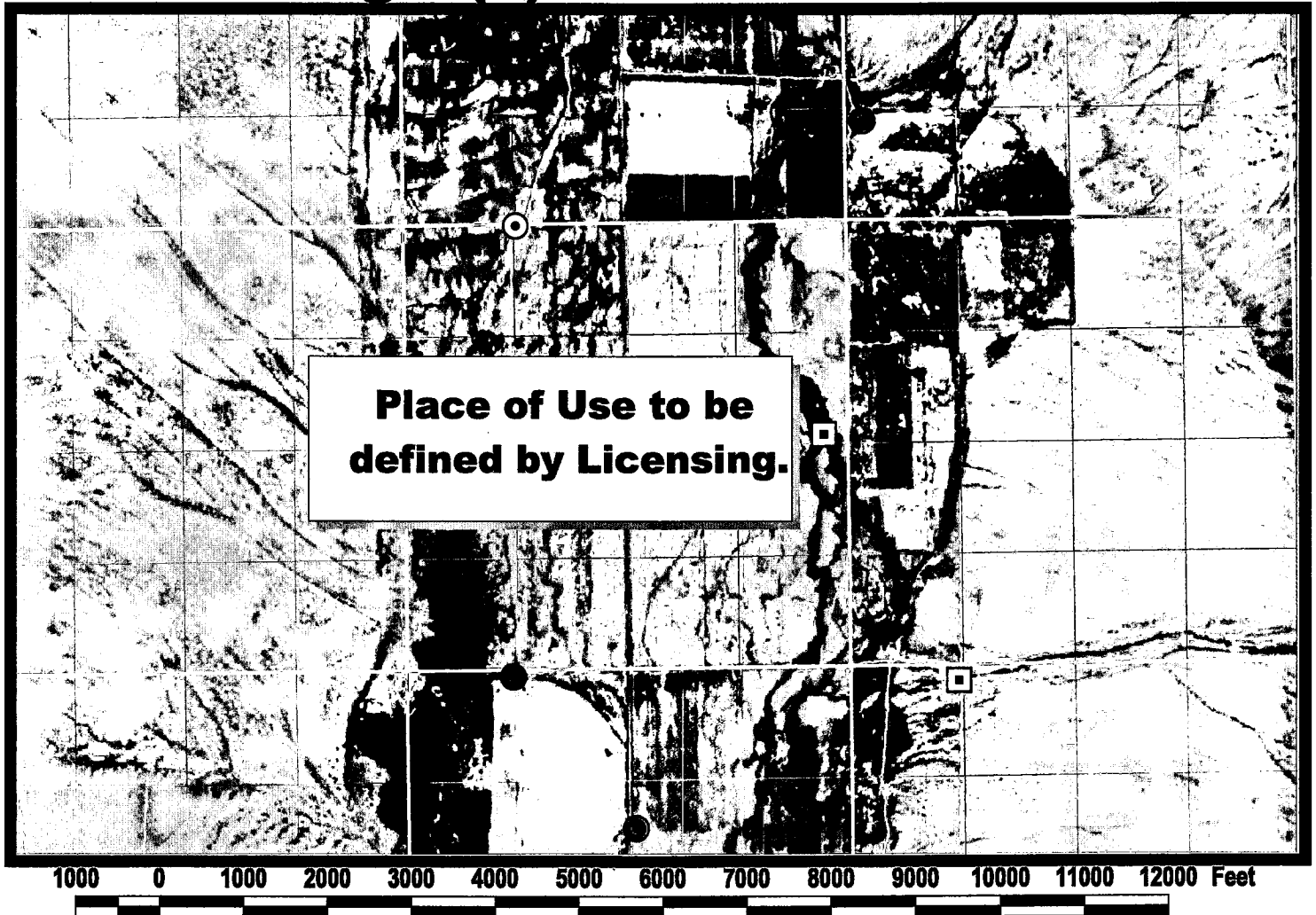
Department of Water Resources

Eastern Region

*No GRS
Reel 80#
DOD 80#
WMT on
Lic.*

Claimant: Pancheri, Inc.

Water Right(s): 33-07202 PERMIT



LEGEND



Point of Diversion- GW



Point of Diversion- SW



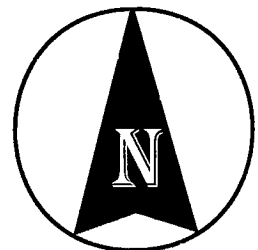
Place of Use

Section Line

Quarter-section Line

**Place(s) of Use: T.9N., R.27E.
(parts of) Sec. 9 and 16 to be
defined by Licensing.**

**Point(s) of Diversion: T.9N., R.27E.
Sec. 16 NWNENW**



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

Water Right Number - 33-07202 Prefix Translation: WATER RIGHT Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - - + + - - - - Address - - - - -

*** C - CURRENT OWNER ***
PANCHERI

JERRY

1 - HC 65 BOX 2104
2 -
3 -
City- HOME State- ID Zip- 83244
Phone - 208-767-3419
1 - PO BOX 10
2 -
3 -
City- BLACKFOOT State- ID Zip- 832210010
Phone - 208-000-0000
+ - - - - Region - - - - + + - - - - Stage - - - - + + - - - - Status - - - - +
15 EASTERN L - LICENSE
+ - - - - Source - - - - + + - - - - Tributary - - - - -

NORTHWEST FARM CREDIT SERVICES ACA

+ - - - - Point of Diversion - - - - -
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

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

+ - - - - Water Use - - - - -
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 10/31 3.110 1050.00
+ - - - - Total Div. Rate - + + - - - - Total Div. Capacity - + + - - - - Total Consumptive Use - + + - - - - KW Usage - +
3.110 1050.00 3.110 0.0

+ - - - - Place of Use - - - - -
TwN Rng Sec Tract Lot Acres Code Description County
09N 27E 9 SE SW 11.0 01 IRRIGATION (23) BUTTE
09N 27E 16 ~~NE NW~~ 39.0 01 IRRIGATION (23) BUTTE
09N 27E 16 ~~NW NW~~ 36.0 01 IRRIGATION (23) BUTTE
09N 27E 16 ~~SE NW~~ 39.0 01 IRRIGATION (23) BUTTE
09N 27E 16 SE NW 39.0 01 IRRIGATION (23) BUTTE
09N 27E 16 NE SW 30.0 01 IRRIGATION (23) BUTTE
09N 27E 16 NW SW 39.0 01 IRRIGATION (23) BUTTE
09N 27E 16 ~~NW SW~~ 38.0 01 IRRIGATION (23) BUTTE
09N 27E 16 ~~SE SW~~ 29.0 01 IRRIGATION (23) BUTTE
Total Acres: 300.0

+ - - - - Diversion Means -

+ - - - - Non-Irrigation Use -

+ - - - - Other Rights for Same Use -

Water right number - 33-07202

Prefix Translation: WATER RIGHT

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

GEN Rights 33-07015 and 33-07202 when combined shall not exceed a total annual maximum volume of 1666.0 af at the field headgate, and the irrigation of 476 acres.
Upon specific notification by the Department, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
Use of water under this water right will be regulated by the watermaster of State Water District No. 33 in accordance with the principles of conjunctive management of surface water and ground water as set forth in the Rules Governing Conjunctive Management.

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

+ - - - - - Conditions of Approval - - - - - +
R55 - This right is for the use of trust water and is subject to review
- 20 years after the issuance of the permit to determine
- availability of water and to re-evaluate the public interest.
R63 - This right when combined with all other rights shall provide no
- more than 0.02 cfs per acre nor more than 3.5 afa per acre at the
- field headgate for irrigation of the lands above.

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

+ - - - - - Comments - - - - - +
No Comments Found

+ - - - - - Audit Fields - 06/10/91 BODELL 07/29/91 LUKE 08/26/91 SKAGGS 09/03/91 SKAGGS 03/29/94 ZIMMERMA
09/07/95 COMMENTS 11/01/95 SCURTIS 03/06/96 SCURTIS 03/06/96 COMMENTS 03/06/96 SCURTIS
08/09/96 KWILSON 07/09/99 SCURTIS 02/03/00 KWILSON 02/24/00 KTOANSEN 04/12/00 KWALKER
05/09/00 KWALKER 05/19/00 KWALKER 06/06/00 KWALKER 06/12/00 KWALKER 06/13/00 KWALKER

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 09/01/1995	Field Exam Made	- 07/12/1996	Field Exam Fee	- R
Approved/Denied	- 09/04/1991	Protested Date	- 00/00/0000	Swan Falls	- 7
Proof Made Date	- 11/08/1995	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 06/24/1999	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 33
Licensed Date	- 06/13/2000	Appl Received	- 01/17/1984	Transfer/Amended	-
Presumption Flag	-	Name Connector	-	POU Ownership Flag	- Y
SRBA Decreed Flag	-				

11/15/2000

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

RIGHT NUMBER: 33-7202

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

SOURCE: GROUND WATER

QUANTITY: 3.11 CFS
1050 AFY

PRIORITY DATE: 11/08/1995

POINT OF DIVERSION: T09N R27E S16 NWNENW

*More to come with
this - PDU w/
7015
84
85
10998-
10070
000905 } TX pending
one another*

Within BUTTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-15 10-31

QUANTITY
3.11 CFS
1,050.0 AFY

PLACE OF USE:

IRRIGATION Within BUTTE County

T09N R27E S16	NENW	39	T09N R27E S16	NWNW	36
T09N R27E S16	SWNW	39	T09N R27E S16	SENW	39
T09N R27E S16	NESW	30	T09N R27E S16	NWSW	39
T09N R27E S16	SWSW	38	T09N R27E S16	SESW	29
T09N R27E S9	SESW	11			
300 ACRES TOTAL					

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

THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.

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.

THIS CLAIM IS SUBJECT TO THE CONDITIONS OF THE PERMIT AND LICENSE TO BE ISSUED

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Fee \$490.00
No Late Fees

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: A33-07202

Date Received: 9/29/1999

Receipt No: EXP 25339

Received By: Star 9/29/99

Original
Sent to
Court.

4-20-00

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PANCHERI INC
Address: % JERRY PANCHERI PRES
HOWE ID

208-767-3419

83244

2. Date of Priority: NOV 8, 1995

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
WELL W/ 50HP PUMP TO MAINLINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	8.800		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	27E	16	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0

A3307202



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	27E	16	NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
						Section Acres	320.0
		20	NE	NE		IRR	40.0
						Section Acres	40.0
		21	NE	NW		IRR	40.0
			SE	NW		IRR	40.0
						Section Acres	80.0
						Total Acres	440.0

11. Place of use in counties: BUTTE

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS SUBJECT TO THE CONDITIONS OF THE PERMIT.

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 Organizations:

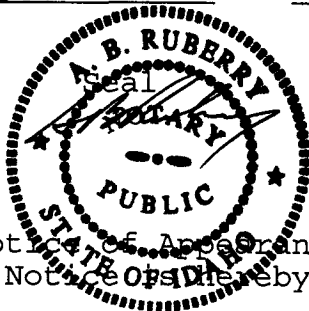
I do solemnly swear or affirm that I am Jeffrey Pancher of
Title
Pancher, Inc, that I have signed the foregoing
Organization
document in the space below as Pres of
Title
Pancher, Inc and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
Pres Pancher, Inc
Title and Organization
Sept 29, 99
Date

State of Idaho)
County of BRAINERD) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of SEPTEMBER 19 99

A. B. RUBERRY
Notary Public



Residing at Barrohaus Idaho

My Commission Expires 09/23/03

17. Notice of Appearance:

Notice of Appearance given that I, _____ will be
Print Name

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 _____

Date _____

*Notice of Appointment
on file @ IDWR
to Kurt Foston
JSM
9/29/99*