

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 33-2126B)
_____))
_____))

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-33-03

2007

WHEREAS, a drought emergency has been declared for BUTTE County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purposes of use for valid existing water rights or temporary exchanges of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on MAY 14, 2007, PANCHERI INC. submitted the attached Temporary Change Application TC-33-03 to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right no(s). 33-2126B is authorized only at the point of diversion and place of use described on the application.
2. This temporary Change approval does not authorize construction of a new well as a point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought conditions. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

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5. Right(s) 33-2126B are limited to the irrigation of a total of 275 acres in a single irrigation season.
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant is subject to all conditions and limitations listed on the application under the section titled "ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES".
10. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
11. The Watermaster of Water District No. 33 is authorized to administer the temporary change approval.
12. This Temporary change approval expires on OCTOBER 31, 2007 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use, and nature of use existing prior to the temporary change approval.

DATED this 18TH day of MAY, 2007.



Lyle Swank
Eastern Regional Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant Pancheri, Inc. (208) Phone 767-3419
Post Office Address 1494 Hwy 22 Howe ID 83244 (cell) 339-1293 Rod
(cell) 339-1295 Rorg

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) thereof Drought conditions surface
water is cut because of drought. Divert water from well into Little Lost
River to be redirected at headgate on lower place.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 33-226B Priority 7/22/1961 Amount (cfs/ac-ft) 4.04 cfs Nature of Use IRRIGATION Period of Use 4/01 to 11/01
to
to
to

2. Total amount of water being transferred 4.04 cubic feet per second and/or _____ acre-feet per annum

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	NW	NE	19	6N	29E	Butte	
		SE	SE	SE	4	5N	29E	Butte	Point of Injection Re-Diversion

5. Lands irrigated or place of use: Limited to 554 acres within Place of Use

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	29E	10													23	40	40	40	143
		11									40	28	40	40	40	31	40	40	299
		12									40	40	40	40					160
		13	40	40	40	40	40	40	40	40	32	16	17	39	40	40	40	40	584
		14	40	40	40	40	28			24					34	32			278

Total Acres 1464

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
WILL BE DRY
- d. Has the water right sought to be transferred been used this year? NO If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? USED ON ORIGINAL DOW
- f. Describe other water rights used for the same purpose. _____
- g. Remarks: _____

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Bob Boudin (Partner)
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by M HOLLIPAY Date 5/14/2007 Fee \$50

Receipted DC # E032888 Recommend: ☒ approve ☐ deny

Watermaster recommendation APPROVE

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-33-03

And said application is hereby approved, subject to the following limitations and conditions:

Witness my hand this 18th day of MAY, 2007.

Lyle Swank
For the Director

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-33-03

Applicant's Name: Pancheri Inc

Watermaster's Recommendation:

a) ☒ I do not oppose approval of this application.

b) ☐ I do not oppose approval of this application if it is conditioned as follows: _____

c) ☐ I oppose approval of this application for the following reasons: _____

d) ☐ Additional Comment: Butte County has been
declared a drought area. This groundwater 33-2126-B
is vital to Pancheri's Lower place as surface water rights
will be cut early due to low
snow fall.

Dated this 15th day of May, 2007

Water District No: 33

David Andreasson
Watermaster's Signature

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