

2005

Form 42-222A
12/99

Ident. No. TC-33-02

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 Pancher, 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

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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 dried up
- 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 place of use
- 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 Ranch (Partner)
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 5/4/05 Fee 50⁰⁰
Receipted Kaw # E030845 Recommend: — approve — deny —
Watermaster recommendation —

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-33-02

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

Witness my hand this 4th day of May, 2005

[Signature]
For the Director

**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-33-02

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 purpose 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 5th, 2005, Rod & Rory Pancheri, Pancheri Inc submitted the attached Temporary Change Application TC-33- 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 new 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 condition. 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.

ORDER AUTHORIZING
TEMPORARY CHANGE

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5. Right(s) 33-2126B are limited to the irrigation of a total of 554 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 approval 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 Water master of Water District No. 38 is authorized to administer the temporary change approval.
12. This Temporary change approval expires on October 31, 2005 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 4th day of May, 2005.


Ronald D. Carlson
Eastern Regional Manager

12/99

Att. Keith Wilson

TC-33-02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: TC-33-02Applicant's Name: Pancheri Inc 33-2126B

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: _____

Dated this 04 day of May, 2005Water District No: 33

David Anderson
Watermaster's Signature

Use reverse side of page if you need more space.

Received Time May. 4. 3:36PM

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-2126B

WATER RIGHT NUMBER: 33-2126B

Owner Type Name and Address
 Current Owner PANCHERI INC
 1494 HWY 22
 HOWE, ID 83244
 (208)767-3419

Keith's INFO

Priority Date: 07/22/1966

Basis: Decreed

Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	4.040 CFS	962.50 AF
<u>Total Diversion:</u>		4.040 CFS	962.50 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4NW1/4NE1/4 Sec. 19,Twp 06N,Rge 29E, B.M. 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	
05N 29E 4					41.6	34.0											75.6
05N 29E 5	37.0			34.0													71.0
06N 29E 19													40.0	36.0	15.0	38.0	129.0
06N 29E 29	33.0	39.0	39.0	33.0	39.0	38.0	25.7	39.0	14.0	32.7	4.0						336.4
06N 29E 30												25.8			36.0	34.0	95.8
06N 29E 31	28.0	39.0			12.0												79.0
06N 29E 32			11.0		14.5	32.0	30.8						32.0	23.3	33.3	27.3	204.2

Total Acres: 991

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. X35 Rights 33-44, 33-45, 33-46, 33-47, 33-2056, 33-2068B, 33-2093 and 33-2126B when combined shall not exceed a total diversion rate of 11.15 cfs from all authorized points of diversion and the irrigation of 554 acres.
3. X27 This right is limited to the irrigation of 275 acres within the place of use described above in a single irrigation season.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. 01Q After specific notification by the Department, the right holder shall measure the diversion 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.
7. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 33.
8. Rights 33-2056, 33-2068B, 33-2093 and 33-2126B when combined shall not exceed a total annual maximum diversion volume of 1950.2 af.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer
10. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-2126B

Remarks:Comments:

1. pskaggs 6/12/2003 10:55:35 AM Transferred Right
Comment: This is now an approved transfer, transfer number = 70402

Dates and Other Information:

Licensed Date:
Decreed Date: 5/20/2002
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 33
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 3.5
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	1950.2	

Combined Water Rights: 33-2056 , 33-2068B , 33-2093 , 33-2126B

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
11.15		554

Combined Water Rights: 33-44 , 33-45 , 33-46 , 33-47 , 33-2056 , 33-2068B , 33-2093 , 33-2126B

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-24

WATER RIGHT NUMBER: 33-24

Owner Type Name and Address
 Current Owner PANCHERI INC
 1494 HWY 22
 HOWE, ID 83244
 (208)767-3419

Priority Date: 04/01/1889

Basis: Decreed

Status: Active

Source Tributary
 LITTLE LOST RIVER SINKS

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 4/01 to 11/01 0.400 CFS

Total Diversion: 0.400 CFS

Location of Point(s) of Diversion

LITTLE LOST RIVER SE1/4SE1/4SE1/4 Sec. 4,Twp 05N,Rge 29E, B.M. 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	
05N 29E 10													23.0	40.0	40.0	40.0	143.0
05N 29E 11									40.0	28.0	40.0	40.0	40.0	31.0	40.0	40.0	299.0
05N 29E 12									40.0	40.0	40.0	40.0					160.0
05N 29E 13	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	32.0	16.0	17.0	39.0	40.0	40.0	40.0	40.0	584.0
05N 29E 14	40.0	40.0	40.0	40.0	28.0			24.0					34.0	32.0			278.0

Total Acres: 1464

Conditions of Approval:

- USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.12 CFS. COMBINED RIGHT NOS.: 33-00025, 33-00027, 33-00028, 33-00029, 33-00115, AND 33-10999.
- C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
- C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
- RIGHT NO. 33-10999 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: R33-00025, R33-00026C, R33-00027, R33-00028, R33-00029, R33-00030, R33-00065, R33-00115, R33-10999.
- C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 680 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00115, 33-00025, 33-00026C, 33-00027, 33-00028, 33-00029, 33-00030, AND 33-00065. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1464 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-07027, 33-00025, 33-00026C, 33-00027, 33-00028, 33-00029, 33-00030, 33-00065, 33-00115, 33-02117A, 33-10109, AND 33-10999.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 33-24

Comments:

1. AJU10-EC 11/22/1999 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Licensed Date:
Decreed Date: 3/8/2002
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number: 33
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
5.12		
Combined Water Rights: 33-24 , 33-25 , 33-27 , 33-28 , 33-29 , 33-115 , 33-10999		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		680
Combined Water Rights: 33-24 , 33-25 , 33-26C , 33-27 , 33-28 , 33-29 , 33-115 , 33-65 , 33-30		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		1464
Combined Water Rights: 33-7027 , 33-24 , 33-25 , 33-26C , 33-27 , 33-28 , 33-29 , 33-115 , 33-10109 , 33-2117A , 33-10999 , 33-65 , 33-30		

SubCase:

SubCase Number: 33-24
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 1/3/2002
Attorney Assigned:
Adjudication Agent:
Basis of Claim:

Water Supply Bank: