

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83044**

This is to certify that: **PANCHERI BROTHERS LLC**
1494 HIGHWAY 33
HOWE, ID 83244-8719

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. A summary of the changes is also listed below. 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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
33-101A	WR/DECREED	5/1/1889	1.900 cfs	440.0 af	N/A	125.7	SOUTH CREEK
33-2138	WR/DECREED	3/3/1959	2.360 cfs	412.4 af	117.9	346.8	GROUND WATER
33-7040	WR/DECREED	10/16/1975	3.970 cfs	695.8 af	198.7	346.8	GROUND WATER
33-7172	WR/DECREED	4/2/1985	0.600 cfs	105.8 af	30.2	346.8	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>
33-101A	NO	NO	YES	NO	NO	NO
33-2138	NO	NO	YES	NO	NO	NO
33-7040	NO	NO	YES	NO	NO	NO
33-7172	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
33-101A	33-101A	1.900 cfs	440.0 af	125.7	450.0	N/A	N/A	N/A	N/A	N/A
33-2138	33-2138	2.360 cfs	412.4 af	117.9	450.0	N/A	N/A	N/A	N/A	N/A
33-7040	33-7040	3.970 cfs	695.8 af	198.7	450.0	N/A	N/A	N/A	N/A	N/A
33-7172	33-7172	0.600 cfs	105.8 af	30.2	450.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		8.470 cfs	1575.0 af	450.0	450.0		N/A	N/A	N/A	N/A

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 22nd day of May, 2019.



Water Resources Program Manager

SUPPORT DATA

Transfer No. 83044

IN FILE # 33-101A

WATER RIGHT NO. 33-101A **As Modified by Transfer No. 83044**

In accordance with the approval of Transfer No. 83044, Water Right No. 33-101A is now described as follows:

Right Holder: PANCHERI INC
1494 HWY 33
HOWE, ID 83244

Priority Date: 5/1/1889

Source: SOUTH CREEK

Tributary: LITTLE LOST RIVER

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 11/01

Diversion Rate
1,900 cfs
1,900 cfs

Diversion Volume
440.0 af
440.0 af

LOCATION OF POINT(S) OF DIVERSION

SOUTH CREEK NWNWNW Sec 29 Twp 07N Rge 29E BUTTE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	28E	1							35.0	32.0	38.0	32.0		27.0		11.0	40.0	23.0	238.0
06N	28E	12	40.0	40.0	40.0	26.0	40.0		26.0										212.0

Right Acre Limit: 125.7

POU Total Acres: 450.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 125.7 acres within the authorized place of use in a single irrigation season.
2. Rights 33-101A, 33-2138, 33-7040 and 33-7172 when combined shall not exceed the irrigation of 450 acres.
3. Use of water under this right may 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.
4. Prior to the diversion and use of water under Transfer approval 83044, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications.

WATER RIGHT NO. 33-101A
As Modified by Transfer No. 83044

CONDITIONS OF APPROVAL

5. To prevent enlargement of ground water rights 33-2138, 33-7040 and 33-7172, in any irrigation season when the place of use described above is irrigated, water right 33-101A from South Creek shall supply at least 23% of the total volume of water diverted for irrigation purposes at the place of use.
6. 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 place of use.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. 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. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 33-7040**As Modified by Transfer No. 83044**

In accordance with the approval of Transfer No. 83044, Water Right No. 33-7040 is now described as follows:

Right Holder: PANCHERI BROTHERS LLC
1460 HWY 33
HOWE, ID 83244

Priority Date: 10/16/1975

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 11/01

Diversion Rate

3.970 cfs

3.970 cfs

Diversion Volume

695.8 af

695.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

NWSWNW
NWSWNW

Sec 1 Twp 06N Rge 28E BUTTE County
Sec 1 Twp 06N Rge 28E BUTTE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	28E	1							35.0	32.0	38.0	32.0		27.0		11.0	40.0	23.0	238.0
06N	28E	12	40.0	40.0	40.0	26.0	40.0			26.0									212.0

Right Acre Limit: 198.7

POU Total Acres: 450.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 198.7 acres within the authorized place of use in a single irrigation season.
2. Rights 33-2138 and 33-7040 when combined shall not exceed a total diversion rate of 5.97 cfs.
3. Rights 33-2138, 33-7040 and 33-7172 when combined shall not exceed a total diversion rate of 6.57 cfs and the irrigation of 346.8 acres.
4. Rights 33-101A, 33-2138, 33-7040 and 33-7172 when combined shall not exceed the irrigation of 450 acres.
5. Use of water under this right may 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.

WATER RIGHT NO. 33-7040
As Modified by Transfer No. 83044

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 83044, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications.
7. To prevent enlargement of ground water rights 33-2138, 33-7040 and 33-7172, in any irrigation season when the place of use described above is irrigated, water right 33-101A from South Creek shall supply at least 23% of the total volume of water diverted for irrigation purposes at the place of use.
8. 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 place of use.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 33-7172**As Modified by Transfer No. 83044**

In accordance with the approval of Transfer No. 83044, Water Right No. 33-7172 is now described as follows:

Right Holder: PANCHERI BROTHERS LLC
1460 HWY 33
HOWE, ID 83244

Priority Date: 4/2/1985

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 11/01

Diversion Rate

0.600 cfs

0.600 cfs

Diversion Volume

105.8 af

105.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

NWSWNW
NWSWNW

Sec 1 Twp 06N Rge 28E BUTTE County
Sec 1 Twp 06N Rge 28E BUTTE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	28E	1																	
06N	28E	12	40.0	40.0	40.0	26.0	40.0			26.0	38.0	32.0		27.0		11.0	40.0	23.0	238.0
																			212.0

Right Acre Limit: 30.2

POU Total Acres: 450.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 30.2 acres within the authorized place of use in a single irrigation season.
2. Rights 33-2138, 33-7040 and 33-7172 when combined shall not exceed a total diversion rate of 6.57 cfs and the irrigation of 346.8 acres.
3. Rights 33-101A, 33-2138, 33-7040 and 33-7172 when combined shall not exceed the irrigation of 450 acres.
4. Use of water under this right may 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.
5. Prior to the diversion and use of water under Transfer approval 83044, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications.

Transfer No. 83044

WATER RIGHT NO. 33-7172
As Modified by Transfer No. 83044

CONDITIONS OF APPROVAL

6. To prevent enlargement of ground water rights 33-2138, 33-7040 and 33-7172, in any irrigation season when the place of use described above is irrigated, water right 33-101A from South Creek shall supply at least 23% of the total volume of water diverted for irrigation purposes at the place of use.
7. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (10/4/1990) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
8. 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 place of use.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 33-2138**As Modified by Transfer No. 83044**

In accordance with the approval of Transfer No. 83044, Water Right No. 33-2138 is now described as follows:

Right Holder: PANCHERI BROTHERS LLC
1460 HWY 33
HOWE, ID 83244

Priority Date: 3/3/1959

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 11/01

Diversion Rate

2,360 cfs

2,360 cfs

Diversion Volume

412.4 af

412.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

NWSWNW
NWSWNW

Sec 1 Twp 06N Rge 28E BUTTE County
Sec 1 Twp 06N Rge 28E BUTTE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	28E	1							35.0	32.0	38.0	32.0		27.0		11.0	40.0	23.0	238.0
06N	28E	12	40.0	40.0	40.0	26.0	40.0			26.0									212.0

Right Acre Limit: 117.9

POU Total Acres: 450.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 117.9 acres within the authorized place of use in a single irrigation season.
2. Rights 33-2138 and 33-7040 when combined shall not exceed a total diversion rate of 5.97 cfs.
3. Rights 33-2138, 33-7040 and 33-7172 when combined shall not exceed a total diversion rate of 6.57 cfs and the irrigation of 346.8 acres.
4. Rights 33-101A, 33-2138, 33-7040 and 33-7172 when combined shall not exceed the irrigation of 450 acres.
5. Use of water under this right may 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.

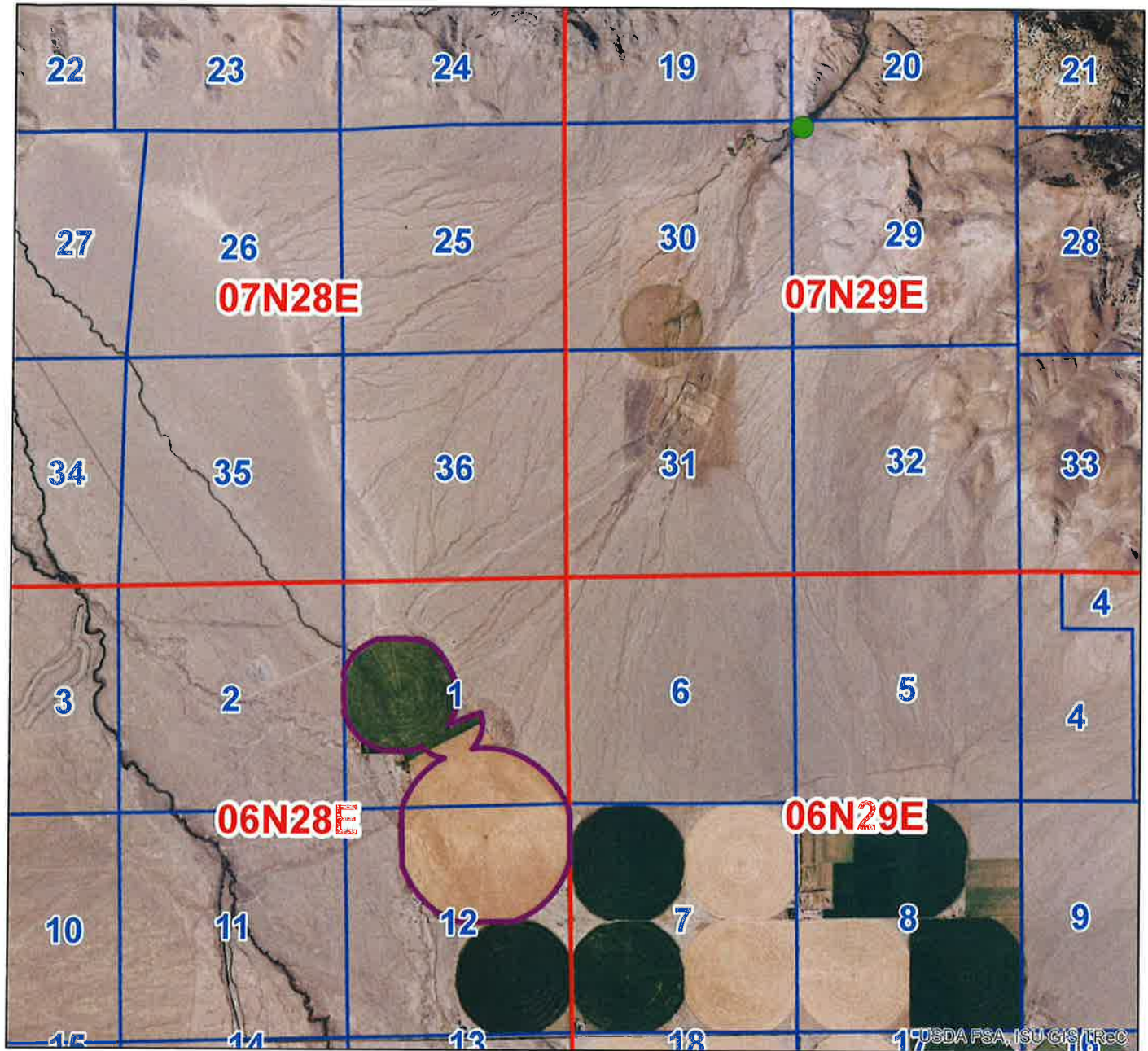
WATER RIGHT NO. 33-2138
As Modified by Transfer No. 83044

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 83044, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications.
7. To prevent enlargement of ground water rights 33-2138, 33-7040 and 33-7172, in any irrigation season when the place of use described above is irrigated, water right 33-101A from South Creek shall supply at least 23% of the total volume of water diverted for irrigation purposes at the place of use.
8. 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 place of use.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Attachment to Transfer Approval 83044

This map depicts the IRRIGATION place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.

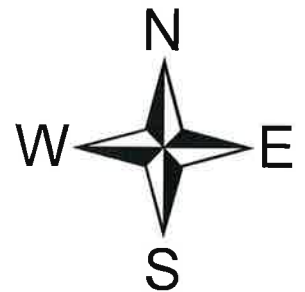


0 2,250 4,500 9,000 Feet

1 inch = 3,644 feet

Legend

-  Water Right POD
-  Water Right POU
-  Township/Range
-  Sections



Date: 5/22/2019