

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 83038

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>
33-2138	WR/DECREED	3/3/1959	2.630 cfs	460.0 af	131.5	386.8	GROUND WATER
33-7040	WR/DECREED	10/16/1975	4.430 cfs	776.0 af	221.6	386.8	GROUND WATER
33-7172	WR/DECREED	4/2/1985	0.670 cfs	118.0 af	33.7	386.8	GROUND WATER

Purpose of Transfer (Changes Proposed)

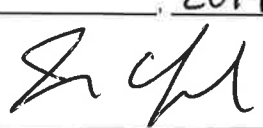
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
33-2138	YES	YES	YES	YES	NO	NO
33-7040	YES	YES	YES	YES	NO	NO
33-7172	YES	YES	YES	YES	NO	NO

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>
33-2138	33-15080	0.270 cfs	47.6 af	13.6	40.0	33-2138	2.360 cfs	412.4 af	117.9	346.8
33-7040	33-15078	0.460 cfs	80.2 af	22.9	40.0	33-7040	3.970 cfs	695.8 af	198.7	346.8
33-7172	33-15079	0.070 cfs	12.2 af	3.5	40.0	33-7172	0.600 cfs	105.8 af	30.2	346.8
COMBINED TOTALS		0.760 cfs	140.0 af	40.0	40.0		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

Transfer No. 83038

SUPPORT DATA
IN FILE # 33-2138

WATER RIGHT NO. 33-7040**As Modified by Transfer No. 83038**

In accordance with the approval of Transfer No. 83038, 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** 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 NWSWNW Sec 1 Twp 06N Rge 28E BUTTE County
GROUND WATER NWSWNW 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							6.2	29.3	26.8	28.0		5.5			36.6	19.4	151.8
06N	28E	12	37.7	40.0	37.9	20.3	38.2			20.9									195.0

Right Acre Limit: 198.7

POU Total Acres: 346.8

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. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 33-7040
As Modified by Transfer No. 83038

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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. 33-15078**As Modified by Transfer No. 83038**

In accordance with the approval of Transfer No. 83038, Water Right No. 33-15078 is now described as follows:

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

Priority Date: 10/16/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	0.460 cfs	80.2 af
			0.460 cfs	80.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSWSW	Sec 32 Twp 08N Rge 28E	BUTTE County	
GROUND WATER	NWNENE	Sec 12 Twp 07N Rge 27E	BUTTE County	
GROUND WATER	SESENE	Sec 2 Twp 07N Rge 27E	BUTTE County	
GROUND WATER	NENENE	Sec 12 Twp 07N Rge 27E	BUTTE County	
GROUND WATER	NENWSW	Sec 5 Twp 07N Rge 28E	BUTTE County	(R)
GROUND WATER	SWNESW	Sec 6 Twp 07N Rge 28E	BUTTE County	
GROUND WATER	NENWNE	Sec 12 Twp 07N Rge 27E	BUTTE County	
GROUND WATER	NENENW	Sec 12 Twp 07N Rge 27E	BUTTE County	
GROUND WATER	NWNENW	Sec 12 Twp 07N Rge 27E	BUTTE County	
GROUND WATER	SENWNW	Sec 12 Twp 07N Rge 27E	BUTTE County	(I)
GROUND WATER	NWSESE	Sec 12 Twp 07N Rge 27E	BUTTE County	
GROUND WATER	L3 (SNNWSW)	Sec 7 Twp 07N Rge 28E	BUTTE County	
GROUND WATER	L4 (SWSWSW)	Sec 7 Twp 07N Rge 28E	BUTTE County	
GROUND WATER	NWNWSW	Sec 32 Twp 08N Rge 28E	BUTTE County	
GROUND WATER	SWNESE	Sec 1 Twp 07N Rge 27E	BUTTE County	
GROUND WATER	SWSENE	Sec 2 Twp 07N Rge 27E	BUTTE County	(R)

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	28E	6													13.5	1.0	4.0	21.5	40.0

Right Acre Limit: 22.9

POU Total Acres: 40.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 22.9 acres within the authorized place of use in a single irrigation season.
2. Rights 33-15078 and 33-15080 when combined shall not exceed a total diversion rate of 0.69 cfs.

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WATER RIGHT NO. 33-15078
As Modified by Transfer No. 83038

CONDITIONS OF APPROVAL

3. Rights 33-15078, 33-15079 and 33-15080 when combined shall not exceed a total diversion rate of 0.76 cfs and the irrigation of 40.0 acres.
4. Point of injection into Little Lost River. Point of rediversion from Little Lost River and Big Spring Creek.
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.
6. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. 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.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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. 83038**

In accordance with the approval of Transfer No. 83038, 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 NWSWNW Sec 1 Twp 06N Rge 28E BUTTE County
GROUND WATER NWSWNW 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							6.2	29.3	26.8	28.0		5.5			36.6	19.4	151.8
06N	28E	12	37.7	40.0	37.9	20.3	38.2			20.9									195.0

Right Acre Limit: 30.2

POU Total Acres: 346.8

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. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (October 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.
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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 83038

WATER RIGHT NO. 33-7172
As Modified by Transfer No. 83038

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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. 33-15079**As Modified by Transfer No. 83038**

In accordance with the approval of Transfer No. 83038, Water Right No. 33-15079 is now described as follows:

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

Priority Date: 4/2/1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	0.070 cfs	12.2 af
			0.070 cfs	12.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNESE	Sec 1	Twp 07N Rge 27E	BUTTE County	
GROUND WATER	SESENE	Sec 2	Twp 07N Rge 27E	BUTTE County	
GROUND WATER	SWSENE	Sec 2	Twp 07N Rge 27E	BUTTE County	(R)
GROUND WATER	NENENE	Sec 12	Twp 07N Rge 27E	BUTTE County	
GROUND WATER	NENWNE	Sec 12	Twp 07N Rge 27E	BUTTE County	
GROUND WATER	NENENW	Sec 12	Twp 07N Rge 27E	BUTTE County	
GROUND WATER	NWNENE	Sec 12	Twp 07N Rge 27E	BUTTE County	
GROUND WATER	NWNENW	Sec 12	Twp 07N Rge 27E	BUTTE County	
GROUND WATER	SENWNNW	Sec 12	Twp 07N Rge 27E	BUTTE County	(I)
GROUND WATER	NWSESE	Sec 12	Twp 07N Rge 27E	BUTTE County	
GROUND WATER	NENWSW	Sec 5	Twp 07N Rge 28E	BUTTE County	(R)
GROUND WATER	SWNESW	Sec 6	Twp 07N Rge 28E	BUTTE County	
GROUND WATER	L3 (SWNWSW)	Sec 7	Twp 07N Rge 28E	BUTTE County	
GROUND WATER	L4 (SWSWSW)	Sec 7	Twp 07N Rge 28E	BUTTE County	
GROUND WATER	NWNWSW	Sec 32	Twp 08N Rge 28E	BUTTE County	
GROUND WATER	SWSWSW	Sec 32	Twp 08N Rge 28E	BUTTE County	

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	28E	6													13.5	1.0	4.0	21.5	40.0

Right Acre Limit: 3.5

POU Total Acres: 40.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 3.5 acres within the authorized place of use in a single irrigation season.
2. Rights 33-15078, 33-15079 and 33-15080 when combined shall not exceed a total diversion rate of 0.76 cfs and the irrigation of 40.0 acres.

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WATER RIGHT NO. 33-15079

As Modified by Transfer No. 83038

CONDITIONS OF APPROVAL

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. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (October 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.
6. Point of injection into Little Lost River. Point of rediversion from Little Lost River and Big Spring Creek.
7. 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.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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. 83038**

In accordance with the approval of Transfer No. 83038, 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** 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 NWSWNW Sec 1 Twp 06N Rge 28E BUTTE County
GROUND WATER NWSWNW 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							6.2	29.3	26.8	28.0		5.5			36.6	19.4	151.8
06N	28E	12	37.7	40.0	37.9	20.3	38.2			20.9									195.0

Right Acre Limit: 117.9

POU Total Acres: 346.8

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. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 33-2138
As Modified by Transfer No. 83038

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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. 33-15080**As Modified by Transfer No. 83038**

In accordance with the approval of Transfer No. 83038, Water Right No. 33-15080 is now described as follows:

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

Priority Date: 3/3/1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	0.270 cfs	47.6 af
			0.270 cfs	47.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNESE	Sec 1 Twp 07N Rge 27E	BUTTE County	
GROUND WATER	SWSENE	Sec 2 Twp 07N Rge 27E	BUTTE County	(R)
GROUND WATER	SESENE	Sec 2 Twp 07N Rge 27E	BUTTE County	
GROUND WATER	NENENE	Sec 12 Twp 07N Rge 27E	BUTTE County	
GROUND WATER	NENWNE	Sec 12 Twp 07N Rge 27E	BUTTE County	
GROUND WATER	NENENW	Sec 12 Twp 07N Rge 27E	BUTTE County	
GROUND WATER	NWNENW	Sec 12 Twp 07N Rge 27E	BUTTE County	
GROUND WATER	SENWNW	Sec 12 Twp 07N Rge 27E	BUTTE County	(I)
GROUND WATER	NWSESE	Sec 12 Twp 07N Rge 27E	BUTTE County	
GROUND WATER	NENWSW	Sec 5 Twp 07N Rge 28E	BUTTE County	(R)
GROUND WATER	SWNESW	Sec 6 Twp 07N Rge 28E	BUTTE County	
GROUND WATER	L3 (SWNWSW)	Sec 7 Twp 07N Rge 28E	BUTTE County	
GROUND WATER	L4 (SWSWSW)	Sec 7 Twp 07N Rge 28E	BUTTE County	
GROUND WATER	NWNWSW	Sec 32 Twp 08N Rge 28E	BUTTE County	
GROUND WATER	NWNENE	Sec 12 Twp 07N Rge 27E	BUTTE County	
GROUND WATER	SWSWSW	Sec 32 Twp 08N Rge 28E	BUTTE County	

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	28E	6													13.5	1.0	4.0	21.5	40.0

Right Acre Limit: 13.6

POU Total Acres: 40.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 13.6 acres within the authorized place of use in a single irrigation season.
2. Rights 33-15078 and 33-15080 when combined shall not exceed a total diversion rate of 0.69 cfs.

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WATER RIGHT NO. 33-15080

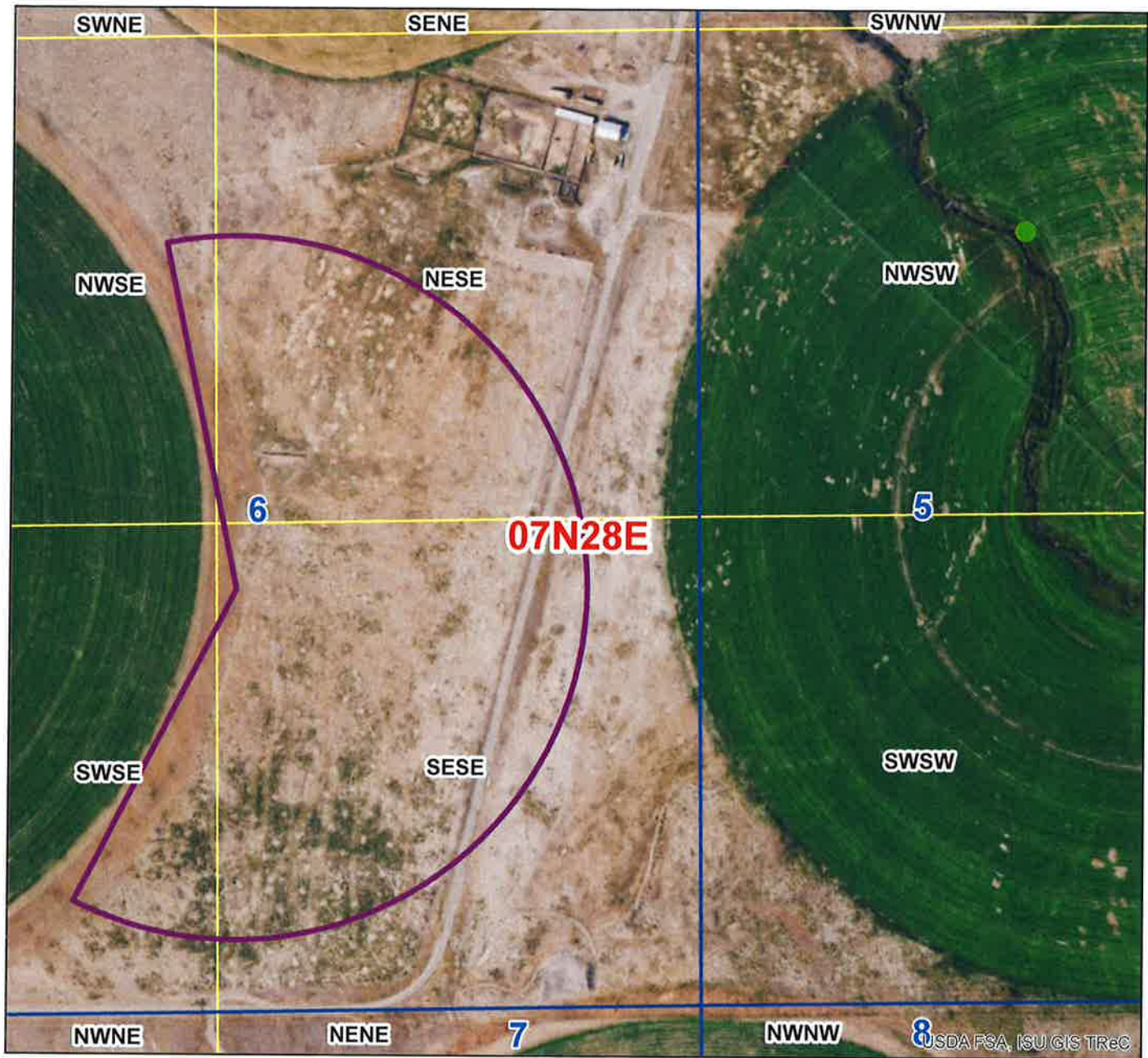
As Modified by Transfer No. 83038

CONDITIONS OF APPROVAL

3. Rights 33-15078, 33-15079 and 33-15080 when combined shall not exceed a total diversion rate of 0.76 cfs and the irrigation of 40.0 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. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. Point of injection into Little Lost River. Point of rediversion from Little Lost River and Big Spring Creek.
7. 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.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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 83038

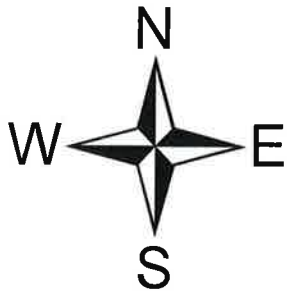
This map depicts the IRRIGATION place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

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

0 260 520 1,040 Feet
1 inch = 427 feet



Date: 5/22/2019