

T5796 PANCHERI

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5796  
WATER RIGHT NO(S). 33-00090E/33-10070

RECEIVED  
OCT 30 2000

Department of Water Resources  
Eastern Region

This is to certify that: PANCHERI INC  
C/O HOLDEN KIDWELL HAHN CRAPO  
PO BOX 50130  
IDAHO FALLS ID 83405

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| Right No. 33-00090E : |                      |                       |                      |
| IRRIGATION            | 04/01 to 11/01       | 0.40 CFS              | 169.8 AF             |
| Priority: 04/01/1887  |                      |                       |                      |
| Right No. 33-10070 :  |                      |                       |                      |
| IRRIGATION            | 04/01 to 11/01       | 1.50 CFS              | 507.5 AF             |
| Priority: 05/25/1891  |                      |                       |                      |
|                       | <b>TOTAL:</b>        | <b>1.90 CFS</b>       | <b>507.5 AF *</b>    |

SOURCE

TRIBUTARY OF

\*\* WET CREEK

LITTLE LOST RIVER

LOCATION OF POINT(S) OF DIVERSION:

NENWNE , Sec. 5, Township 09N, Range 27E  
BUTTE County

PLACE OF USE: IRRIGATION

| <u>TWN RGE SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|--------------------|--------------|--------------|--------------|--------------|
| 09N 27E 16         | SWNW 34      | SENW 34      | NESW 34      |              |
|                    | NWSW 34      | SWSW 9       |              | 145          |

Total number of acres irrigated: 145 \*

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 33.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

TRANSFER NO. 5796  
WATER RIGHT NO(S). 33-00090E/33-10070

CONDITIONS OF APPROVAL AND REMARKS

3. 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.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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.
- \* 7. Rights 33-00090E and 33-10070 when combined shall not exceed a total annual maximum diversion volume of 507.5 af at the field headgate and the irrigation of 145.0 acres.
- \*\* 8. Diversion of water from Wet Creek is limited to those times water is available for diversion under these rights and priorities from their original sources, Right 33-00090E from Little Lost River and Right 33-10070 from Sawmill Creek.
9. Approval of Transfer 5796 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 25<sup>th</sup> day of October, 2000.

  
Chief, Water Allocation Bureau

SO 9/5/00

Page 1 of 9STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 5796APPLICATION FOR TRANSFER OF WATER RIGHT  
PART IName of Applicant PANCHERI, INC. Phone (208) 523-0620  
Post Office address % HOLDEN, KIONELL, HANN & CRAPO PO Box 50150 IDAHO FALLS, ID 83405

## A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☒ Other Change Source
2. Describe the reason for the proposed changes TO move place of use of water rights reserved to PANCHERI when land sold to DAR to augment water rights on other irrigated land of Pancheri.

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

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- |                  |                  |                |                   |                       |
|------------------|------------------|----------------|-------------------|-----------------------|
| <u>33-10070</u>  | <u>5/25/1891</u> | <u>1.5 cfs</u> | <u>Irrigation</u> | <u>04/01 to 11/01</u> |
| <u>33-00090E</u> | <u>4/1/1887</u>  | <u>.4 cfs</u>  | <u>Irrigation</u> | <u>04/01 to 11/01</u> |
|                  |                  |                |                   | to                    |
|                  |                  |                |                   | to                    |
2. Total amount of water being transferred 1.90 \* cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water Wet Creek tributary to Little Lost River
4. Point(s) of Diversion:

| Lot | 1/4       | 1/4       | 1/4       | Sec.      | Twp.      | Rge.       | County       | Local name for diversion |
|-----|-----------|-----------|-----------|-----------|-----------|------------|--------------|--------------------------|
|     | <u>NE</u> | <u>NW</u> | <u>NE</u> | <u>05</u> | <u>9N</u> | <u>27E</u> | <u>BUTTE</u> |                          |
|     |           |           |           |           |           |            |              |                          |
|     |           |           |           |           |           |            |              |                          |
|     |           |           |           |           |           |            |              |                          |

## 5. Lands irrigated or 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 |            |
| <u>9N</u> | <u>27E</u> | <u>16</u> |        |    |    |    |        |    | <u>34</u> | <u>34</u> | <u>34</u> | <u>34</u> | <u>9</u> | <u>20</u> |        |    |    |    | <u>145</u> |
|           |            |           |        |    |    |    |        |    |           |           |           |           |          |           |        |    |    |    |            |
|           |            |           |        |    |    |    |        |    |           |           |           |           |          |           |        |    |    |    |            |
|           |            |           |        |    |    |    |        |    |           |           |           |           |          |           |        |    |    |    |            |

Total Acres 145

## 6. General Information:

- a. Description of diversion system HEADGATE ON WET CREEK WITH DITCH AND MAINLINE TO PLACE OF USE
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes NO No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:  
LANDS OF DAR WILL CONTINUE TO BE marginally IRRIGATED WITH REMAINING RIGHTS. 145 ACRES OF DAR LAND WILL NO LONGER RECEIVE WATER UNDER THESE RIGHTS.
- d. Remarks:  
PANCHERI LAND DESCRIBED ABOVE IS NOW IRRIGATED WITH GROUNDWATER UNDER LICENSE NO. 33-07202

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**ACTION OF THE DIRECTOR DEPARTMENT OF WATER RESOURCES**

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This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_ and said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

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Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

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## PART 2

TRANS NO. 5794

## A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 33-00090E

STAGE: DECREED

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| IRRIGATION            | 04/01 to 11/01       | 0.40 CFS              |

| <u>SOURCE</u>     | <u>TRIBUTARY OF</u> |
|-------------------|---------------------|
| LITTLE LOST RIVER | SINKS               |

Priority: 04/01/1887

LOCATION OF POINT(S) OF DIVERSION:NESE , Sec. 16, Township 09N, Range 27E  
BUTTE CountyPLACE OF USE:

## IRRIGATION

|     |     |    |   | NE                  |    |    |    | NW                  |    |    |    | SW                  |    |    |    | SE                  |    |    |    |             |     |       |       |
|-----|-----|----|---|---------------------|----|----|----|---------------------|----|----|----|---------------------|----|----|----|---------------------|----|----|----|-------------|-----|-------|-------|
|     |     |    |   | NENE NWNE SWNE SENE |    |    |    | NENW NWNW SWNW SENW |    |    |    | NESW NWSW SWSW SESW |    |    |    | NESE NWSE SWSE SESE |    |    |    |             |     |       |       |
| T   | R   | S  | : | Lt                  | Ac | Lt | Ac | Lt                  | Ac | Lt | Ac | Lt                  | Ac | Lt | Ac | Lt                  | Ac | Lt | Ac | :           | SUM |       |       |
| 09N | 27E | 21 | : | 13                  |    |    |    | 32                  | :  |    |    |                     |    |    |    |                     |    | 35 |    | 02          | 34  | :     | 116.0 |
| 09N | 27E | 22 | : |                     |    |    |    |                     | :  |    | 04 |                     |    |    |    |                     |    |    |    |             |     | :     | 4.0   |
| 09N | 27E | 28 | : | 25                  |    |    |    |                     | :  |    |    |                     |    |    |    |                     |    |    |    |             |     | :     | 25.0  |
|     |     |    |   |                     |    |    |    |                     |    |    |    |                     |    |    |    |                     |    |    |    | TOTAL ACRES | :   | 145.0 |       |

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe:

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TRANS NO. 5796

Claim No. 33-00090E

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice      ☐ Warranty Deed      ☐ Other \_\_\_\_\_

## PART 2

TRANS NO. 5796

## A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 33-10070

STAGE: DECREED

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| IRRIGATION            | 04/01 to 11/01       | 1.50 CFS              |

| <u>SOURCE</u> | <u>TRIBUTARY OF</u> |
|---------------|---------------------|
| SAWMILL CREEK | LITTLE LOST RIVER   |

Priority: 05/25/1891

LOCATION OF POINT(S) OF DIVERSION:Injection  
Rediversion

NWNE , Sec. 10, Township 11N, Range 26E  
LEMHI County  
NWSESW , Sec. 18, Township 10N, Range 27E  
SESENE , Sec. 16, Township 09N, Range 27E  
BUTTE County

PLACE OF USE:

## IRRIGATION

|     |     |    |   | NE   |      |      |      | NW |    |    |    | SW   |      |      |      | SE |    |    |    |      |      |      |      |    |    |    |    |      |      |             |       |     |     |       |
|-----|-----|----|---|------|------|------|------|----|----|----|----|------|------|------|------|----|----|----|----|------|------|------|------|----|----|----|----|------|------|-------------|-------|-----|-----|-------|
|     |     |    |   | NENE | NWNE | SWNE | SENE |    |    |    |    | NENW | NWNW | SWNW | SENW |    |    |    |    | NESW | NWSW | SWSW | SESW |    |    |    |    | NESE | NWSE | SWSE        | SESE  |     |     |       |
| T   | R   | S  | : | Lt   | Ac   | Lt   | Ac   | Lt | Ac | Lt | Ac | Lt   | Ac   | Lt   | Ac   | Lt | Ac | Lt | Ac | Lt   | Ac   | Lt   | Ac   | Lt | Ac | Lt | Ac | Lt   | Ac   | Lt          | Ac    | :   | SUM |       |
| 09N | 27E | 21 | : | 13   |      |      | 32   | :  |    |    |    |      |      |      |      |    |    |    |    |      |      |      |      |    |    |    |    |      |      |             |       |     |     |       |
| 09N | 27E | 22 | : |      |      |      |      | :  |    |    | 04 |      |      |      |      |    |    |    |    |      |      |      |      |    |    | 35 |    | 02   | 34   | :           | 116.0 |     |     |       |
| 09N | 27E | 28 | : | 25   |      |      |      | :  |    |    |    |      |      |      |      |    |    |    |    |      |      |      |      |    |    |    |    |      |      |             |       | 4.0 |     |       |
|     |     |    |   |      |      |      |      |    |    |    |    |      |      |      |      |    |    |    |    |      |      |      |      |    |    |    |    |      |      |             |       |     | :   | 25.0  |
|     |     |    |   |      |      |      |      |    |    |    |    |      |      |      |      |    |    |    |    |      |      |      |      |    |    |    |    |      |      | TOTAL ACRES |       |     | :   | 145.0 |

CONDITIONS/REMARKS:

- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- 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.
- THE QUANTITY OF WATER THAT MAY BE DIVERTED AT THE POINT(S) OF DIVERSION DESCRIBED ABOVE IS 1.43 CFS. THIS REDUCTION IN

Claim No. 33-10070

QUANTITY IS DUE TO THE HISTORICAL PRACTICE OF ASSESSING A  
CONVEYANCE LOSS FOR THE DELIVERY OF THE RIGHT.

4. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 33-00109,  
33-00092D, 33-00092F.

Describe any other water rights used for the same purpose as described above:

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To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe:

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Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

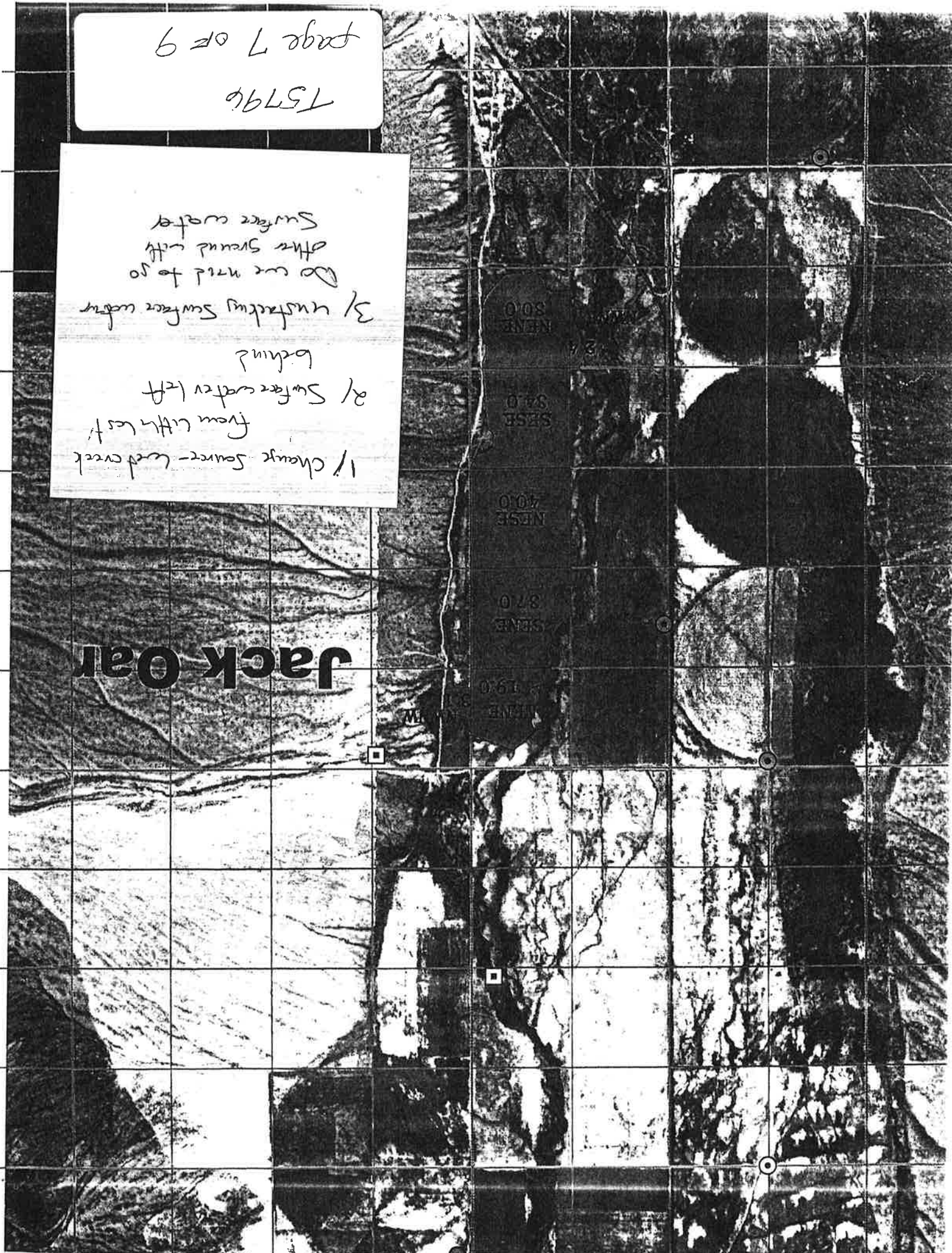
☒ Tax Notice      ☐ Warranty Deed      ☐ Other \_\_\_\_\_

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75796

- 1/ Check Source - led creek from little left
- 2/ Surface water left behind
- 3/ Investigating Surface water Do we need to go after ground with Surface water

Jack Oar

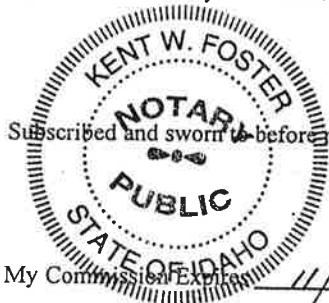


**B. CHANGES IN NATURE OF USE**

- | <u>New Nature of Use</u> | <u>Amount</u><br>(cfs/ac-ft) | <u>Hours/days/year</u> | <u>Period of Use</u> |
|--------------------------|------------------------------|------------------------|----------------------|
| _____                    | _____                        | _____                  | _____ to _____       |
| _____                    | _____                        | _____                  | _____ to _____       |
- Quantity and quality of return flows and location of discharge:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- Describe effects on other water uses resulting from the proposed change:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I hereby asset 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.



Subscribed and sworn to before me this 13<sup>th</sup> day of JULY, 1994.

Roman Sanchez  
(Signature of Applicant)

[Signature]  
Notary Public

My Commission Expires 11/20/2004

**FOR DEPARTMENT USE ONLY**

Transfer contains 9 pages and 12 attachments

Received by HWT 7-17-00 Date \_\_\_\_\_ Protest filed by \_\_\_\_\_

Prelim. check by \_\_\_\_\_ Fee \$290<sup>00</sup>

Receipted by HWT #EO25997 Date \_\_\_\_\_

Published in Area Advertiser Copies of protest forwarded by \_\_\_\_\_

Pub. dates Aug 3 & 10, 2000 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

