

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73303**

This is to certify that: BIRCH CREEK RANCHES LLC
5203 S 11TH E
IDAHO FALLS ID 83404
(208)522-8069

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
33-7179	WR/License	12/12/1985	1.23 cfs	216 af	61.7	76.7	BLACK CREEK
33-2141	WR/Decreed	01/29/1949	3.2 cfs	624 af	160.0	167.2	GROUND WATER
33-87	WR/Decreed	10/01/1900	1.6 cfs	N/A	N/A	76.7	DEEP CREEK
33-2034	WR/Decreed	05/16/1934	0.3 cfs	N/A	15.0	76.7	BLACK CREEK, DEEP CREEK
33-14873	WR/Decreed	08/07/1961	2.53 cfs	N/A	N/A	150.0	GROUND WATER
33-14875	WR/Decreed	08/08/1961	1.52 cfs	N/A	N/A	150.0	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>
33-7179	NO	NO	YES	YES	NO	NO
33-2141	NO	NO	YES	YES	NO	NO
33-87	NO	NO	YES	YES	NO	NO
33-2034	NO	YES	YES	YES	NO	NO
33-14873	NO	NO	YES	YES	NO	NO
33-14875	NO	NO	YES	YES	NO	NO

SUPPORT DATA

IN FILE # 33.87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73303

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
33-7179	33-7179	1.23 cfs	216 af	61.7	158.1		N/A	N/A	N/A	N/A
33-2141	33-14871	1.39 cfs	271 af	69.5	158.1	33-14870	1.81 cfs	316.5 af	90.5	114.0
33-87	33-87	1.6 cfs	N/A	76.7	158.1		N/A	N/A	N/A	N/A
33-2034	33-2034	0.3 cfs	N/A	15.0	158.1		N/A	N/A	N/A	N/A
33-14873	33-14873	2.53 cfs	609.7 af	126.5	193.1		N/A	N/A	N/A	N/A
33-14875	33-14875	1.52 cfs	609.7 af	126.5	193.1		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		5.44 cfs	N/A	193.1	193.1		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 30 day of April, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 33-87
As Modified by Transfer No. 73303

In accordance with the approval of Transfer No. 73303, Water Right No. 33-87 is now described as follows.

Right Holder: PANCHERI INC
1494 HWY 22
HOWE ID 83244

Priority Date: October 01, 1900

Source: DEEP CREEK

Tributary: LITTLE LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01 to	11/01	1.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

DEEP CREEK	SENE SW	Sec. 14 Twp 10N Rge 27E BUTTE County
DEEP CREEK	NENW SW	Sec. 20 Twp 10N Rge 27E BUTTE County
(Injection)		
DEEP CREEK	NWNE	Sec. 33 Twp 09N Rge 27E BUTTE County
(Rediversion)		

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	
08N	27E	3									1.0	2.8	37.0	24.0					64.8
08N	27E	10	1.0	3.0															4.0
08N	27E	11								24.0	8.5	16.0	37.0		1.0	2.8			89.3

Total Acres: 158.1

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 76.7 acres within the place of use described above in a single irrigation season.
2. Rights 33-87 and 33-2034 when combined shall not exceed a total diversion rate of 1.60 cfs and the irrigation of 76.7 acres.
3. Rights 33-87, 33-2034 and 33-14871 when combined shall not exceed the irrigation of 76.7 acres.
4. Rights 33-87, 33-2034, 33-14871 and 33-7179 when combined shall not exceed a total diversion rate of 1.53 cfs, a total annual maximum diversion volume of 268.5 af at the field headgate, and the irrigation of 76.7 acres.
5. Rights 33-87, 33-2034, 33-7179, 33-14871, 33-14873 and 33-14875 when combined shall not exceed a total diversion rate of 5.44 cfs, a total annual maximum diversion volume of 676 af at the field headgate, and the irrigation of 193.1 acres.

WATER RIGHT NO. 33-87
As Modified by Transfer No. 73303

CONDITIONS OF APPROVAL

6. 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.
7. 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 and point of rediversion.
8. The right holder must maintain a measuring device of a type approved by the Department to measure water from the hydropower plant prior to comingling with ground water at the point of injection.
9. The right holder must maintain a measuring device of a type approved by the Department to measure water at the point of injection.
10. Point of injection into and point of rediversion from Little Lost River.
11. The rediversion of water from the Little Lost River is limited to those times water is available for diversion under this right and priority from Deep Creek at the original point of diversion located in NESW, Sec 14, Twp 10N, Rge 27E. Availability of water from Deep Creek shall be determined based on the lesser of the flow in Deep Creek at the original point(s) of diversion or the amount of water contributed from Deep Creek at the point of injection, subject to a conveyance loss adjustment by the watermaster.
12. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
13. This right does not grant any right-of-way or easement across the land of another.
14. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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.

This water right 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.

Dated this 30 day of April, 2009



Chief, Water Allocation Bureau

WATER RIGHT NO. 33-2034
As Modified by Transfer No. 73303

In accordance with the approval of Transfer No. 73303, Water Right No. 33-2034 is now described as follows.

Right Holder: PANCHERI INC
 1494 HWY 22
 HOWE ID 83244

Priority Date: May 16, 1934

Source: BLACK CREEK
 DEEP CREEK

Tributary: LITTLE LOST RIVER
 LITTLE LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	4/01 to	11/01	0.30 CFS

LOCATION OF POINT(S) OF DIVERSION:

BLACK CREEK	NESESW	Sec. 10 Twp 10N	Rge 27E	BUTTE County
DEEP CREEK	SESESW	Sec. 14 Twp 10N	Rge 27E	BUTTE County
DEEP CREEK	NENWSW	Sec. 20 Twp 10N	Rge 27E	BUTTE County
(Injection)				
BLACK CREEK	NENWSW	Sec. 20 Twp 10N	Rge 27E	BUTTE County
(Injection)				
DEEP CREEK	SEWNNE	Sec. 33 Twp 09N	Rge 27E	BUTTE County
(Rediversion)				
BLACK CREEK	SEWNNE	Sec. 33 Twp 09N	Rge 27E	BUTTE County
(Rediversion)				

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	
08N 27E 3													1.0	2.8	37.0	24.0	64.8
08N 27E 10	1.0	3.0															4.0
08N 27E 11									24.0	8.5	16.0	37.0		1.0	2.8		89.3

Total Acres: 158.1

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 15 acres within the place of use described above in a single irrigation season.
2. Rights 33-87 and 33-2034 when combined shall not exceed a total diversion rate of 1.60 cfs and the irrigation of 76.7 acres.
3. Rights 33-87, 33-2034 and 33-14871 when combined shall not exceed the irrigation of 76.7 acres.

WATER RIGHT NO. 33-2034
As Modified by Transfer No. 73303

CONDITIONS OF APPROVAL

4. Rights 33-87, 33-2034, 33-14871 and 33-7179 when combined shall not exceed a total diversion rate of 1.53 cfs, a total annual maximum diversion volume of 268.5 af at the field headgate, and the irrigation of 76.7 acres.
5. Rights 33-87, 33-2034, 33-7179, 33-14871, 33-14873 and 33-14875 when combined shall not exceed a total diversion rate of 5.44 cfs, a total annual maximum diversion volume of 676 af at the field headgate, and the irrigation of 193.1 acres.
6. 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.
7. 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 and point of redirection.
8. The right holder must maintain a measuring device of a type approved by the Department to measure water from the hydropower plant prior to comingling with ground water at the point of injection.
9. The right holder must maintain a measuring device of a type approved by the Department to measure water at the point of injection.
10. Point of injection into and point of redirection from Little Lost River.
11. The redirection of water from the Little Lost River is limited to those times water is available for diversion under this right and priority from Black Creek and Deep Creek at the original points of diversion located in SESW, Sec 10, Twp 10N, Rge 27E and NESW, Sec 14, Twp 10N, Rge 27E, respectively. Availability of water from Black Creek and Deep Creek shall be determined based on the lesser of the flow in Black Creek and Deep Creek at the original point(s) of diversion or the amount of water contributed from Black Creek and Deep Creek at the point of injection, subject to a conveyance loss adjustment by the watermaster
12. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
13. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
14. This right does not grant any right-of-way or easement across the land of another.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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.

WATER RIGHT NO. 33-2034
As Modified by Transfer No. 73303

CONDITIONS OF APPROVAL

This water right 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.

Dated this 30 day of April, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 33-7179
As Modified by Transfer No. 73303

In accordance with the approval of Transfer No. 73303, Water Right No. 33-7179 is now described as follows.

Right Holder: PANCHERI INC
 1494 HWY 22
 HOWE ID 83244

Priority Date: December 12, 1985

Source: BLACK CREEK

Tributary: LITTLE LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	1.23 CFS	216.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BLACK CREEK	NESESW	Sec. 10 Twp 10N	Rge 27E	BUTTE County
BLACK CREEK	NENWSW	Sec. 20 Twp 10N	Rge 27E	BUTTE County
(Injection)				
BLACK CREEK	NWNE	Sec. 33 Twp 09N	Rge 27E	BUTTE County
(Rediversion)				

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	
08N	27E	3									1.0	2.8	37.0	24.0					64.8
08N	27E	10	1.0	3.0															4.0
08N	27E	11								24.0	8.5	16.0	37.0		1.0	2.8			89.3

Total Acres: 158.1

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 61.7 acres within the place of use described above in a single irrigation season.
2. Rights 33-87, 33-2034, and 33-7179 when combined shall not exceed a total diversion rate of 1.60 cfs, a total annual maximum diversion volume of 268.5 af at the field headgate, and the irrigation of 76.7 acres.
3. Rights 33-87, 33-2034, 33-14871 and 33-7179 when combined shall not exceed a total diversion rate of 1.53 cfs, a total annual maximum diversion volume of 268.5 af at the field headgate, and the irrigation of 76.7 acres.
4. Rights 33-87, 33-2034, 33-7179, 33-14871, 33-14873 and 33-14875 when combined shall not exceed a total diversion rate of 5.44 cfs, a total annual maximum diversion volume of 676 af at the field headgate, and the irrigation of 193.1 acres.
5. 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.

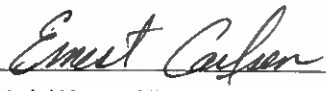
WATER RIGHT NO. 33-7179
As Modified by Transfer No. 73303

CONDITIONS OF APPROVAL

6. 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 and point of rediversion.
7. The right holder must maintain a measuring device of a type approved by the Department to measure water from the hydropower plant prior to comingling with ground water at the point of injection.
8. The right holder must maintain a measuring device of a type approved by the Department to measure water at the point of injection.
9. Point of injection into and point of rediversion from Little Lost River.
10. The rediversion of water from the Little Lost River is limited to those times water is available for diversion under this right and priority from Black Creek at the original point of diversion located in SESW, Sec 10, Twp 10N, Rge 27E. Availability of water from Black Creek shall be determined based on the lesser of the flow in Black Creek at the original point(s) of diversion or the amount of water contributed from Black Creek at the point of injection, subject to a conveyance loss adjustment by the watermaster
11. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
12. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
13. This right does not grant any right-of-way or easement across the land of another.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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.
16. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

This water right 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.

Dated this 30 day of April, 2009



Chief, Water Allocation Bureau

**WATER RIGHT NO. 33-14870
As Modified by Transfer No. 73303**

In accordance with the approval of Transfer No. 73303, Water Right No. 33-14870 is now described as follows.

Right Holder: BIRCH CREEK RANCHES LLC
5203 S 11TH E
IDAHO FALLS ID 83404

Priority Date: January 29, 1949

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	1.81 CFS	316.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENWSE Sec. 19 Twp 10N Rge 27E 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	
10N 27E 19													13.0			32.0	45.0
10N 27E 20									19.0	39.0							58.0
10N 27E 29							7.0										7.0
10N 27E 30	4.0																4.0

Total Acres: 114

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 90.5 acres within the place of use described above in a single irrigation season.
2. Rights 33-14870, 33-14872 and 33-14874 when combined shall not exceed a total diversion rate of 2.56 cfs, a total annual maximum diversion volume of 399 af at the field headgate, and the irrigation of 114 acres.
3. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. 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.

WATER RIGHT NO. 33-14870
As Modified by Transfer No. 73303

CONDITIONS OF APPROVAL

This water right 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.

Dated this 30 day of April, 2009

for Ernest Carlson
Chief, Water Allocation Bureau

WATER RIGHT NO. 33-14871
As Modified by Transfer No. 73303

In accordance with the approval of Transfer No. 73303, Water Right No. 33-14871 is now described as follows.

Right Holder: PANCHERI INC
 1494 HWY 22
 HOWE ID 83244

Priority Date: January 29, 1949

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	1.39 CFS	271.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWSE	Sec. 19 Twp 10N	Rge 27E	BUTTE County
GROUND WATER	NENWSW	Sec. 20 Twp 10N	Rge 27E	BUTTE County
(Injection)				
GROUND WATER	NWNE	Sec. 33 Twp 09N	Rge 27E	BUTTE County
(Rediversion)				

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				
08N	27E	3																1.0	2.8	37.0	24.0	64.8
08N	27E	10	1.0	3.0																		4.0
08N	27E	11								24.0	8.5	16.0	37.0					1.0	2.8			89.3

Total Acres: 158.1

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 69.5 acres within the place of use described above in a single irrigation season.
2. Rights 33-87, 33-2034 and 33-14871 when combined shall not exceed the irrigation of 76.7 acres.
3. Rights 33-87, 33-2034, 33-14871 and 33-7179 when combined shall not exceed a total diversion rate of 1.53 cfs, a total annual maximum diversion volume of 268.5 af at the field headgate, and the irrigation of 76.7 acres.
4. Rights 33-87, 33-2034, 33-7179, 33-14871, 33-14873 and 33-13875 when combined shall not exceed a total diversion rate of 5.44 cfs, a total annual maximum diversion volume of 676 af at the field headgate, and the irrigation of 193.1 acres.
5. 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.

WATER RIGHT NO. 33-14871
As Modified by Transfer No. 73303

CONDITIONS OF APPROVAL

6. 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 and point of redirection.
7. The right holder must maintain a measuring device of a type approved by the Department to measure water at the point of injection.
8. Point of injection into and point of redirection from Little Lost River.
9. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
10. This right does not grant any right-of-way or easement across the land of another.
11. 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.
12. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right 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.

Dated this 30 day of April, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 33-14873
As Modified by Transfer No. 73303

In accordance with the approval of Transfer No. 73303, Water Right No. 33-14873 is now described as follows.

Right Holder: PANCHERI INC
 1494 HWY 22
 HOWE ID 83244

Priority Date: August 07, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	2.53 CFS	609.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENESW	Sec. 19 Twp 10N	Rge 27E	BUTTE County
GROUND WATER	NENWSW	Sec. 20 Twp 10N	Rge 27E	BUTTE County
(Injection)				
GROUND WATER	L2 (NWNE)	Sec. 5 Twp 09N	Rge 27E	BUTTE County
(Exchange)				
GROUND WATER	NWNE	Sec. 33 Twp 09N	Rge 27E	BUTTE County
(Rediversion)				

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	
08N	27E	3													1.0	2.8	37.0	24.0	64.8
08N	27E	10	1.0	3.0															4.0
08N	27E	11								24.0	8.5	16.0	37.0		1.0	2.8			89.3
09N	27E	9					35.0												35.0

Total Acres: 193.1

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 126.5 acres within the place of use described above in a single irrigation season.
2. Rights 33-14873 and 33-14875 when combined shall not exceed a total annual maximum diversion volume of 609.7 af at the field headgate, and the irrigation of 126.5 acres.
3. Exchange water diverted from Wet Creek under rights 33-14873 and 33-14875 is limited to the irrigation of 35 acres in the NWNW Sec 9, Twp 9N, Rge 27E.
4. Rights 33-87, 33-2034, 33-7179, 33-14871, 33-14873 and 33-13875 when combined shall not exceed a total diversion rate of 5.44 cfs, a total annual maximum diversion volume of 676 af at the field headgate, and the irrigation of 193.1 acres.

WATER RIGHT NO. 33-14873
As Modified by Transfer No. 73303

CONDITIONS OF APPROVAL

5. 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.
6. Water diverted under rights 33-14873 and 33-14875 is injected into the Little Lost River at the point of injection then subject to conveyance loss adjustment by the watermaster is either exchanged with water diverted from Wet Creek at the point of exchange in Sec 5, Twp 9N, Rge 27E and/or rediverted from the Little Lost River at the point of rediversion in Sec 33, Twp 9N, Rge 27E.
7. Exchange water diverted from Wet Creek is based on 1.12 cfs of rights 33-14873 and 33-14875 being injected into the Little Lost River at the point of injection and flowing past the mouth of Wet Creek. When exchange water is being diverted from Wet Creek, the quantity of water eligible for rediversion from the Little Lost River is based on the combined diversion rate of rights 33-14873 and 33-14875, not to exceed 4.05 cfs, being injected into the Little Lost River at the point of injection minus the quantity of water designated for exchange.
8. 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(s), point of exchange and point of rediversion.
9. The right holder must maintain a measuring device of a type approved by the Department to measure water at the point of injection.
10. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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.

This water right 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.

Dated this 30 day of April, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 33-14875
As Modified by Transfer No. 73303

In accordance with the approval of Transfer No. 73303, Water Right No. 33-14875 is now described as follows.

Right Holder: PANCHERI INC
 1494 HWY 22
 HOWE ID 83244

Priority Date: August 08, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.52 CFS	609.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENESW	Sec. 19 Twp 10N Rge 27E BUTTE County
GROUND WATER	NENWSW	Sec. 20 Twp 10N Rge 27E BUTTE County
(Injection)		
GROUND WATER	L2 (NWNE)	Sec. 5 Twp 09N Rge 27E BUTTE County
(Exchange)		
GROUND WATER	NWNE	Sec. 33 Twp 09N Rge 27E BUTTE County
(Rediversion)		

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	
08N	27E	3													1.0	2.8	37.0	24.0	64.8
08N	27E	10	1.0	3.0															4.0
08N	27E	11									24.0	8.5	16.0	37.0		1.0	2.8		89.3
09N	27E	9						35.0											35.0

Total Acres: 193.1

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 126.5 acres within the place of use described above in a single irrigation season.
2. Rights 33-14873 and 33-14875 when combined shall not exceed a total annual maximum diversion volume of 609.7 af at the field headgate, and the irrigation of 126.5 acres.
3. Exchange water diverted from Wet Creek under rights 33-14873 and 33-14875 is limited to the irrigation of 35 acres in the NWNW Sec 9, Twp 9N, Rge 27E.
4. Rights 33-87, 33-2034, 33-7179, 33-14871, 33-14873 and 33-13875 when combined shall not exceed a total diversion rate of 5.44 cfs, a total annual maximum diversion volume of 676 af at the field headgate, and the irrigation of 193.1 acres.

WATER RIGHT NO. 33-14875
As Modified by Transfer No. 73303

CONDITIONS OF APPROVAL

5. 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.
6. Water diverted under rights 33-14873 and 33-14875 is injected into the Little Lost River at the point of injection then subject to conveyance loss adjustment by the watermaster is either exchanged with water diverted from Wet Creek at the point of exchange in Sec 5, Twp 9N, Rge 27E and/or rediverted from the Little Lost River at the point of rediversion in Sec 33, Twp 9N, Rge 27E.
7. Exchange water diverted from Wet Creek is based on 1.12 cfs of rights 33-14873 and 33-14875 being injected into the Little Lost River at the point of injection and flowing past the mouth of Wet Creek. When exchange water is being diverted from Wet Creek, the quantity of water eligible for rediversion from the Little Lost River is based on the combined diversion rate of rights 33-14873 and 33-14875, not to exceed 4.05 cfs, being injected into the Little Lost River at the point of injection minus the quantity of water designated for exchange.
8. 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(s), point of exchange and point of rediversion.
9. The right holder must maintain a measuring device of a type approved by the Department to measure water at the point of injection.
10. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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.

This water right 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.

Dated this 30 day of April, 2009

for Ernest Carlson
Chief, Water Allocation Bureau