

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED**TRANSFER OF WATER RIGHT*****AMENDED*****TRANSFER NO. 73532**

This is to certify that: PANCHERI INC
1494 HWY 22
HOWE ID 83244
(208)767-3419

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

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
33-35A	WR/Decreed	03/06/1907	0.72 cfs	N/A	105.9	178.0	BADGER CREEK
33-2068A	WR/Decreed	01/14/1953	2.21 cfs	399 af	114.0	178.0	GROUND WATER
33-10997	WR/Decreed	04/15/1953	0.17 cfs	N/A	9.0	178.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
33-35A	NO	NO	NO	YES	NO	NO
33-2068A	NO	NO	NO	YES	NO	NO
33-10997	NO	NO	NO	YES	NO	NO

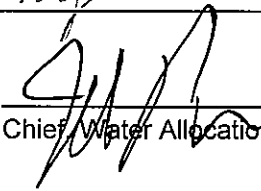
Summary of Water Rights After the Approved Change

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
33-35A	33-35A	0.72 cfs	N/A	105.9	178.0		N/A	N/A	N/A	N/A
33-2068A	33-2068A	2.21 cfs	399.0 af	114.0	178.0		N/A	N/A	N/A	N/A
33-10997	33-10997	0.17 cfs	31.5 af	9.0	178.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		2.28 cfs	430.5 af	123.0	178.0		N/A	N/A	N/A	N/A

Rights 33-35A, 33-2068A, and 33-10997 are subject to the conditions of the Preliminary Order Correcting Transfer Approval dated May 13, 2008 which has become final in the matter of Application for Transfer 73532.

Detailed Water Right Description(s) attached

Dated this 13th day of May, 20 08


Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 33-35A

WATER RIGHT NO. 33-10997
As Modified by Transfer No. 73532

In accordance with the approval of Transfer No. 73532, Water Right No. 33-10997 is now described as follows.

Right Holder: PANCHERI INC
 1494 HWY 22
 HOWE ID 83244

Priority Date: April 15, 1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.17 CFS	31.5 AF
			0.17 CFS	31.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L3 (SENENW)	Sec. 3	Twp 08N	Rge 27E	BUTTE County
GROUND WATER (Injection)	L3 (SWNENW)	Sec. 3	Twp 08N	Rge 27E	BUTTE County
GROUND WATER (Rediversion)	NENWNE	Sec. 33	Twp 09N	Rge 27E	BUTTE County
GROUND WATER (Rediversion)	NESESW	Sec. 34	Twp 09N	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	
08N	27E	3		1.0			25.0	4.0	32.0	32.0						15.0			109.0
09N	27E	33												4.0				4.0	
09N	27E	34								31.0	12.0	22.0						65.0	

Total Acres: 178

CONDITIONS OF APPROVAL

1. 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 point of injection and point of rediversion.
2. 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.
3. Rights 33-2068A and 33-2068B are also diverted through the point(s) of diversion described above.
4. 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.
5. Rights 33-35A, 33-2068A, and 33-10997 when combined shall not exceed a total diversion rate of 2.28 cfs, a total annual maximum diversion volume of 430.5 af at the field headgate and the irrigation of 123 acres.

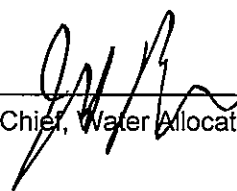
WATER RIGHT NO. 33-10997
As Modified by Transfer No. 73532

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Rights 33-32A, 33-33A, 33-35A, 33-2068A and 33-10997 when combined shall not exceed a total diversion rate of 4.48 cfs and the irrigation of 178 acres.
8. Water Diverted under this right is exchanged by injecting water diverted under this right into the Little Lost River at the point of injection described above, and diverting an equal amount from Little Lost River or Badger Creek at the point of rediversion(s) described above.
9. 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.
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. This right is limited to the irrigation of 9 acres within the place of use described above in a single irrigation season.
12. This right does not grant any right-of-way or easement across the land of another.
13. The diversion or rediversion on Badger Creek described within the NESESW of Section 34, Township 9 North, Range 27 East, B.M., Butte County, shall not be used under this right prior to December 31, 2037.

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 13th day of May, 20 08



Chief, Water Allocation Bureau

WATER RIGHT NO. 33-35A
As Modified by Transfer No. 73532

In accordance with the approval of Transfer No. 73532, Water Right No. 33-35A is now described as follows.

Right Holder: PANCHERI INC
 1494 HWY 22
 HOWE ID 83244

Priority Date: March 06, 1907

Source: LITTLE LOST RIVER
 BADGER CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 11/01	0.72 CFS
			0.72 CFS

LOCATION OF POINT(S) OF DIVERSION:

LITTLE LOST RIVER	NENWNE	Sec. 33 Twp 09N Rge 27E BUTTE County
BADGER CREEK	NESESW	Sec. 34 Twp 09N 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	
08N 27E 3		1.0			25.0	4.0		32.0	32.0					15.0			109.0
09N 27E 33													4.0				4.0
09N 27E 34									31.0	12.0	22.0						65.0

Total Acres: 178

CONDITIONS OF APPROVAL

1. 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.
2. 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.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. This right is limited to the irrigation of 105.9 acres within the place of use described above in a single irrigation season.
5. Rights 33-35A and 33-2068A when combined shall not exceed a total diversion rate of 2.28 cfs and the irrigation of 114 acres.
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.

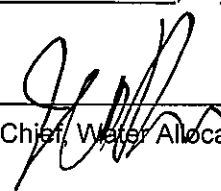
WATER RIGHT NO. 33-35A
As Modified by Transfer No. 73532

CONDITIONS OF APPROVAL

7. 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.
8. Rights 33-32A, 33-33A, 33-35A, 33-2068A and 33-10997 when combined shall not exceed a total diversion rate of 4.48 cfs and the irrigation of 178 acres.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Rights 33-35A, 33-2068A, and 33-10997 when combined shall not exceed a total diversion rate of 2.28 cfs, a total annual maximum diversion volume of 430.5 af at the field headgate and the irrigation of 123 acres.
11. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Badger Creek at the original point of diversion, at the mouth of Badger Creek where it discharges into the Little Lost River and at the point of diversion from the Little Lost River
12. Diversion of water from the Little Lost River is limited to those times water is available for diversion under this right and priority from Badger Creek at the original point of diversion in the NESESW, S34 T09N R27E and to the amount of water that actually reaches the Little Lost River
13. This right does not grant any right-of-way or easement across the land of another.
14. The diversion or rediversion on Badger Creek described within the NESESW of Section 34, Township 9 North, Range 27 East, B.M., Butte County, shall not be used under this right prior to December 31, 2037.

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 13th day of May, 20 08



Chief, Water Allocation Bureau

WATER RIGHT NO. 33-2068A
As Modified by Transfer No. 73532

In accordance with the approval of Transfer No. 73532, Water Right No. 33-2068A is now described as follows.

Right Holder: PANCHERI INC
 1494 HWY 22
 HOWE ID 83244

Priority Date: January 14, 1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	2.21 CFS	399.0 AF
			2.21 CFS	399.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L3 (SENENW)	Sec. 3	Twp 08N	Rge 27E	BUTTE County
GROUND WATER (Injection)	L3 (SWNENW)	Sec. 3	Twp 08N	Rge 27E	BUTTE County
GROUND WATER (Rediversion)	NENWNE	Sec. 33	Twp 09N	Rge 27E	BUTTE County
GROUND WATER (Rediversion)	NESESW	Sec. 34	Twp 09N	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		
08N	27E	3		1.0			25.0	4.0		32.0	32.0						15.0			109.0
09N	27E	33															4.0			4.0
09N	27E	34										31.0	12.0	22.0						65.0

Total Acres: 178

CONDITIONS OF APPROVAL

1. Water diverted under this right is exchanged by injecting water diverted under this right into the Little Lost River at the point of injection described above, and diverting an equal amount from Little Lost River or Badger Creek at the point of rediversion(s) described above.
2. Rights 33-35A, 33-2068A, and 33-10997 when combined shall not exceed a total diversion rate of 2.28 cfs, a total annual maximum diversion volume of 430.5 af at the field headgate and the irrigation of 123 acres.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. 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.
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 point of injection and point of rediversion.

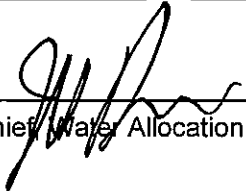
WATER RIGHT NO. 33-2068A
As Modified by Transfer No. 73532

CONDITIONS OF APPROVAL

7. Rights 33-2068B and 33-10997 are also diverted through the point(s) of diversion described above.
8. 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.
9. Rights 33-35A and 33-2068A when combined shall not exceed a total diversion rate of 2.28 cfs and the irrigation of 114 acres.
10. 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.
11. Rights 33-32A, 33-33A, 33-35A, 33-2068A and 33-10997 when combined shall not exceed a total diversion rate of 4.48 cfs and the irrigation of 178 acres.
12. This right does not grant any right-of-way or easement across the land of another.
13. The diversion or rediversion on Badger Creek described within the NESESW of Section 34, Township 9 North, Range 27 East, B.M., Butte County, shall not be used under this right prior to December 31, 2037.

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 13th day of May, 20 08



Chief Water Allocation Bureau