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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Bureau of Water Resources
Eastern Region

Transfer No. 73532

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant Pancheri Inc.Phone (208) 767-3419Post Office address 1494 Highway 22; Howe, ID 83244**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 source2. Describe the reason for the proposed changes To add a point of diversion on the Little Lost River.**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
33-10997	4/15/1953	0.17 cfs	Irrigation	04/15 to 10/31
33-35A	03/06/1907	0.72 cfs	Irrigation	04/01 to 11/01
33-2068A	01/14/1953	2.21 cfs	Irrigation	04/01 to 11/01
				to

2. Total amount of water being transferred 2.28 cubic feet per second and/or 430.5 acre-feet per annum.3. Source of water Groundwater and Badger 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
	NE	NW	NE	33	09N	27E	BUTTE	LITTLE LOST RIVER, BADGER CREEK
SEE ATTACHED EXPLANATION								

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	
08N	27E	3		1.0			25.0	4.0		32.0	32.0					15.0			
09N	27E	33													4.0				
09N	27E	34										31.0	12.0	22.0					

Total Acres 178

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PART 1

6. General Information:

a. Description of diversion system The current POD diverts all water from Badger Creek. The proposed POD would divert the water from the Little Lost River, leaving water instream in Badger Creek, which will dump into the Little Lost River below the new POD.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 Yes X 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 affect on the land now irrigated if the place of use is changed pursuant to this transfer:
None

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

 For the Director

Transfer No. 73532
Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 33-10997

Priority Date: 04/15/1953
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

Tributary to:

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	0.17 CFS		
Total Diversion		0.17 CFS		

Source and Point(s) of Diversion:

GROUND WATER L3 (SENENW) 08N 27E 3 BUTTE

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/Remarks:

1. 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.
2. 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.
3. Rights 33-2068A and 33-2068B are also diverted through the point(s) of diversion described above.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. This right is limited to the irrigation of nine (9) acres within the place of use described above in a single irrigation season.
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.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 33-10997

7. 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.
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 Badger Creek at the point of redirection described above.
9. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, The earlier priority right is the superior right.
10. 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 redirection.
11. 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.
12. 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.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

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**IDAHO DEPARTMENT OF WATER RESOURCES
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PART 2**

Current Water Right No. 33-35A

Priority Date: 03/06/1907

Origin: Water Right

Basis: Decreed

Status: Active

Source: BADGER CREEK

Tributary to: LITTLE LOST RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	0.72 CFS		
Total Diversion		0.72 CFS		

Source and Point(s) of Diversion:

BADGER CREEK NESESW 09N 27E 34 BUTTE

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/Remarks:

1. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. 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.
3. 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.
4. 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.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

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Current Water Right No. 33-35A

6. 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.
7. This right is limited to the irrigation of 105.9 acres within the place of use described above in a single irrigation season.
8. 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.
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. 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.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 33-2068A

Priority Date: 01/14/1953
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

Tributary to:

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	11/01	2.21 CFS	399.0 AFA	
Total Diversion			2.21 CFS	399.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	L3 (SENENW)	08N 27E	3	BUTTE
GROUND WATER (Rediversion)	NESESW	09N 27E	34	BUTTE
GROUND WATER (Injection)	SWNENW	08N 27E	3	BUTTE

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/Remarks:

1. 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.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. 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.

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 33-2068A

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 accomplish the change authorized by this transfer within one year of the date of this approval.
7. 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 Badger Creek at the point of redirection described above.
8. Rights 33-2068B and 33-10997 are also diverted through the point(s) of diversion 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. 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.
11. 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.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

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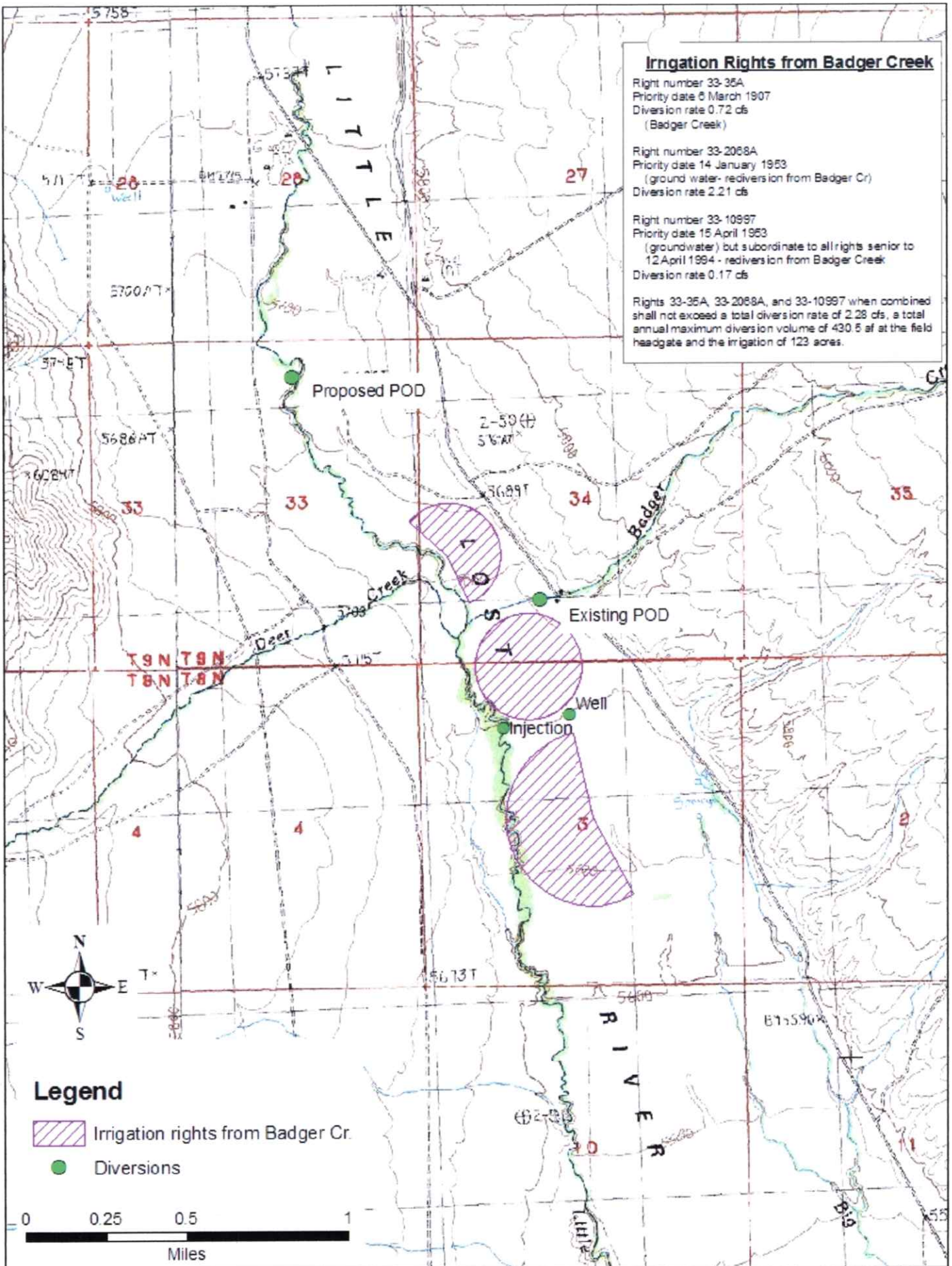
Irrigation Rights from Badger Creek

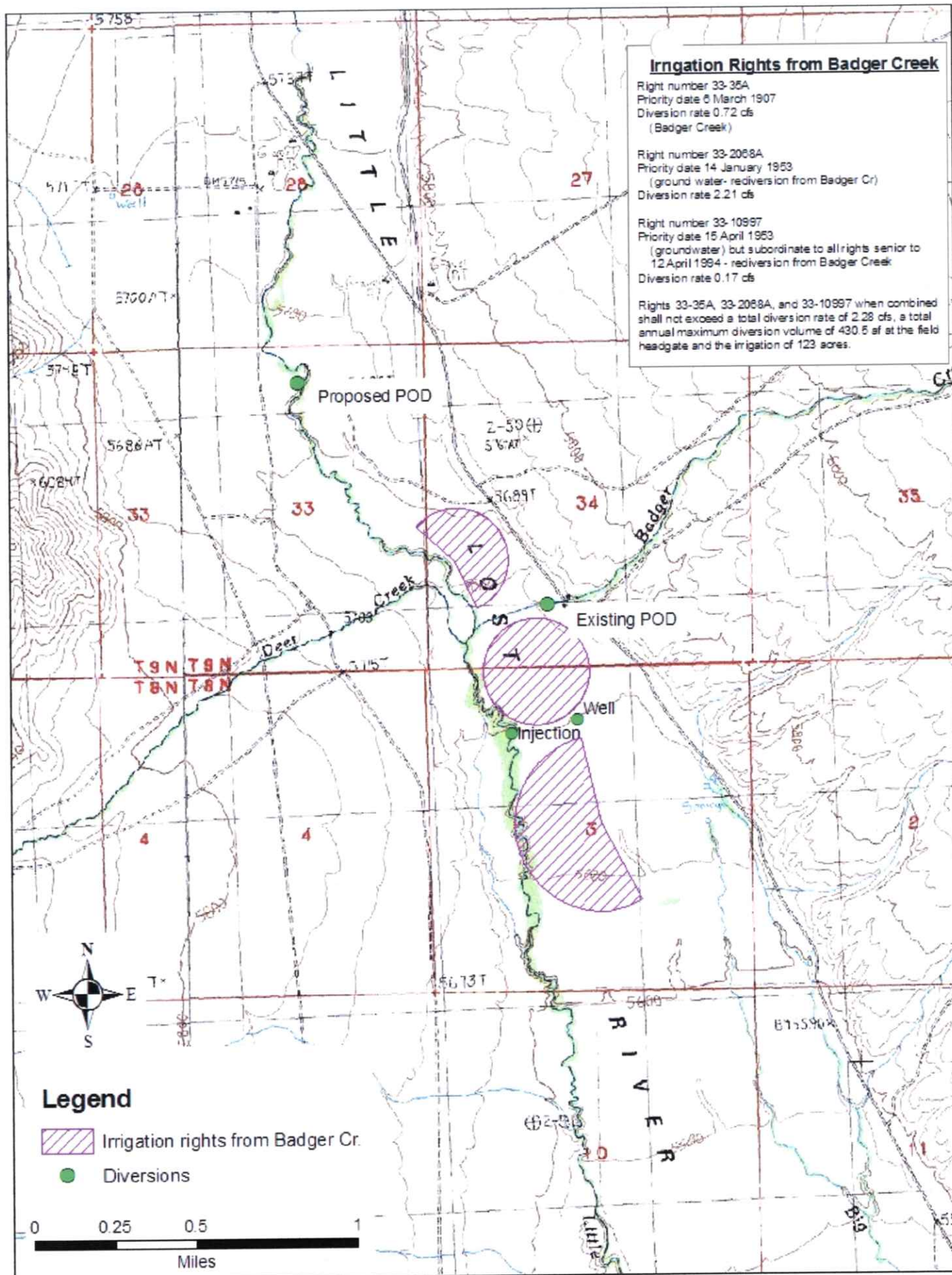
Right number 33-35A
Priority date 6 March 1907
Diversion rate 0.72 cfs
(Badger Creek)

Right number 33-2058A
Priority date 14 January 1953
(ground water - rediversion from Badger Cr)
Diversion rate 2.21 cfs

Right number 33-10997
Priority date 15 April 1953
(groundwater) but subordinate to all rights senior to
12 April 1994 - rediversion from Badger Creek
Diversion rate 0.17 cfs

Rights 33-35A, 33-2058A, 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.





PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

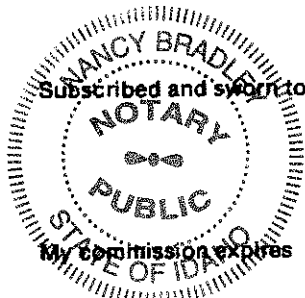
3. Describe effects on other water uses resulting from the proposed change:

I hereby assert 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.

Rory Pancheri
(Signature of Applicant)

Subscribed and sworn to before me this March day of 22, 192007



Nancy Bradley
(Notary Public)

My commission expires 5/10/2011

FOR DEPARTMENT USE ONLY

Transfer contains 11 pages and 1 attachments

Received by Kirk Date 3/22/07 Protest filed by _____

Prelim. check by _____ Fee 330.00 E032708

Received by _____ Date _____

Published in Arco Advertiser Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

Application for Transfer of Water Right

Part 1

Additional Explanation

Water rights 33-10997 and 33-2068A are groundwater rights used for irrigation. Both had a groundwater well as the original POD. In a Transfer of Water Right, Transfer No. 71666, the POU was changed to Badger Creek, allowing all water from Badger Creek to be diverted for flood irrigation purposes. In this Application for Transfer of Water Right, the applicant is requesting an additional POD in the Little Lost River, which will allow water to remain instream in Badger Creek and the water to be diverted from an upstream diversion on the Little Lost River. The water will then be returned to the Little Lost River below the confluence with Badger Creek. The proposed POD on the Little Lost River is an existing POD for Water Right 33-33A and 33-32A.

Part 2

Is this property subject to any liens, deeds of trust, mortgages, or contract or other encumbrances?

No

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer.

The place of use will not change – only the point of diversion. The land will continue to be irrigated by sprinkler irrigation with water pumped from the new POD in the Little Lost River, rather than flood irrigation that has in the past caused Badger Creek to go dry. The water left in Badger Creek will dump into the Little Lost River, essentially rewatering the Little Lost River below the proposed POD with cool, clean water.

To your knowledge, has any portion of the water right undergone a period of five (5) or more consecutive years of non-use?

No