



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 22, 2020

PANCHERI INC
1494 HWY 33
HOWE ID 83244

**RE: WITHDRAWAL OF APPLICATION TO LEASE WATER RIGHT NO. 33-101A TO THE WATER
SUPPLY BANK**

Dear Applicant:

Per a written request received on April 29, 2020 from your consultant, Kristin Moore, Rocky Mountain Environmental Assoc. Inc., the Department of Water Resources ("Department") acknowledges your request to withdraw your Lease Application for the right listed above. A refund of \$250 has been requested and will be to Rocky Mountain Environmental Assoc. Inc. under separate cover from the State Controller's Office.

If you have any questions, please contact me at (208) 287-4942.

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley". The signature is written in dark ink and is positioned above the printed name and title.

Jean Hersley
Technical Records Specialist II

Enclosure: Lease Application

c: Kristen Moore, Rocky Mt. Environmental Assoc. Inc.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

MAR 06 2020

DEPARTMENT OF
WATER RESOURCES

APPLICATION TO SELL OR LEASE A WATER RIGHT TO THE WATER SUPPLY BANK

Designated Applicant Pancheri Inc
(Select one owner – see item 1A on the application)

Water Right No. 33-101A
(One water right per application)

Is this application being submitted with a rental application as a lease/rental package?

Yes ☐ No ☒

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Applications that do not meet the minimum requirements will not be processed and may be returned or denied.**

MINIMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

Yes

- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.
- ☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
- ☒ Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

- 1A** ☒ ☐ Signatures and contact information for **all owners** of the water right to be leased or sold on this application.
- 1B** ☒ ☐ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C** ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 1D** ☐ ☒ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
- 2** ☐ ☒ Description of a water right portion offered to the Water Supply Bank.
- 3** ☐ ☒ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
- 4A** ☒ ☐ Written consent from irrigation district or water delivery company.
- 4G** ☒ ☐ Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount \$ <u>250</u>	Received By: <u>ku</u>	Date Received: <u>3-6-2020</u>	Receipt # <u>C108408</u>
W-9 received? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (Route W-9 to Fiscal)		Name on W-9:	

1661

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant Pancheri Inc

Mailing Address 1494 Hwy 33 Howe ID 83244
Street City State Zip Code

Email Address _____ Phone Number 208-767-3419

☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☒ No ☐
If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Kristin Moore Organization Rocky Mountain Environmental Assoc. Inc.

Professional Title Staff Water Rights Analyst Email Address kristin.rmea@gmail.com

Mailing Address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Phone Number 208-524-2353

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☒ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☐ The full water right is being offered to the Bank.

OR

☒ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, **complete Attachment 2.**

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3.**

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to Section 42-108, Idaho Code and IDAPA WSB Rule 37.02.03.25.02e.

- B. Please provide a description of the current water diversion and delivery system.
Headgate on South Creek to ditches and laterals. A combination of handlines and one pivot system are used for
irrigation.

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. None.

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased. _____

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. The portion of the water right proposed to be leased to the Bank were irrigated with hand lines in 2014.
The full rate of water right was used for delivery at that time. The right was leased to the WSB in 2019.

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed. _____

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe. Yes ☐ No ☒

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

- A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒.

If lease, specify the years when the use of water will be suspended: 2020 to 2020 (maximum lease period 5 calendar years).
(Year) (Year)

- B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.
Current rental rate _____

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

Rod Pancheri
Signature of Designated Applicant

Rod Pancheri
Printed Name

2-10-20
Date

Signature of Authorized Representative

Printed Name

Date

Mail to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

**STATE OF IDAHO
WATER RESOURCE BOARD**

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

1. <u>Water Right Number</u>	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
33-101A	Irrigation	0.92	212.5	60.7
Total Amounts:		0.92	212.5	60.7

2. Source of water South Creek tributary to Little Lost River

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
7N	29E	29		NW	NW	NW	Butte

TO: IDAHO DEPARTMENT OF WATER RESOURCES

FROM: PANCHERI INC.

RE: Authorized Representatives

Rocky Mountain Environmental Associates, Inc.
482 Constitution Way 303
Idaho Falls, ID 83402
(208) 524-2353 / (208) 524-1795 Fax

The following are designated representative of Rocky Mountain Environmental Associates, Inc.:

John R. Rice, Jr. _____ President
W. Roger Warner _____ Vice-President
Keith C. Wilson _____ Senior Water Rights Analyst
Kristin M. Moore _____ Senior Water Rights Analyst _____ (PRIMARY CONTACT)
Joshua W. Page _____ Staff Water Rights Analyst

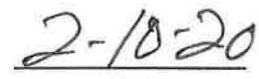
This authorizes these individuals to act as Representatives on behalf of Pancheri Inc.. These representatives may submit information for Pancheri Inc., but are not authorized to sign for Pancheri Inc. This designation is for the Water Banking of water right 33-101A.



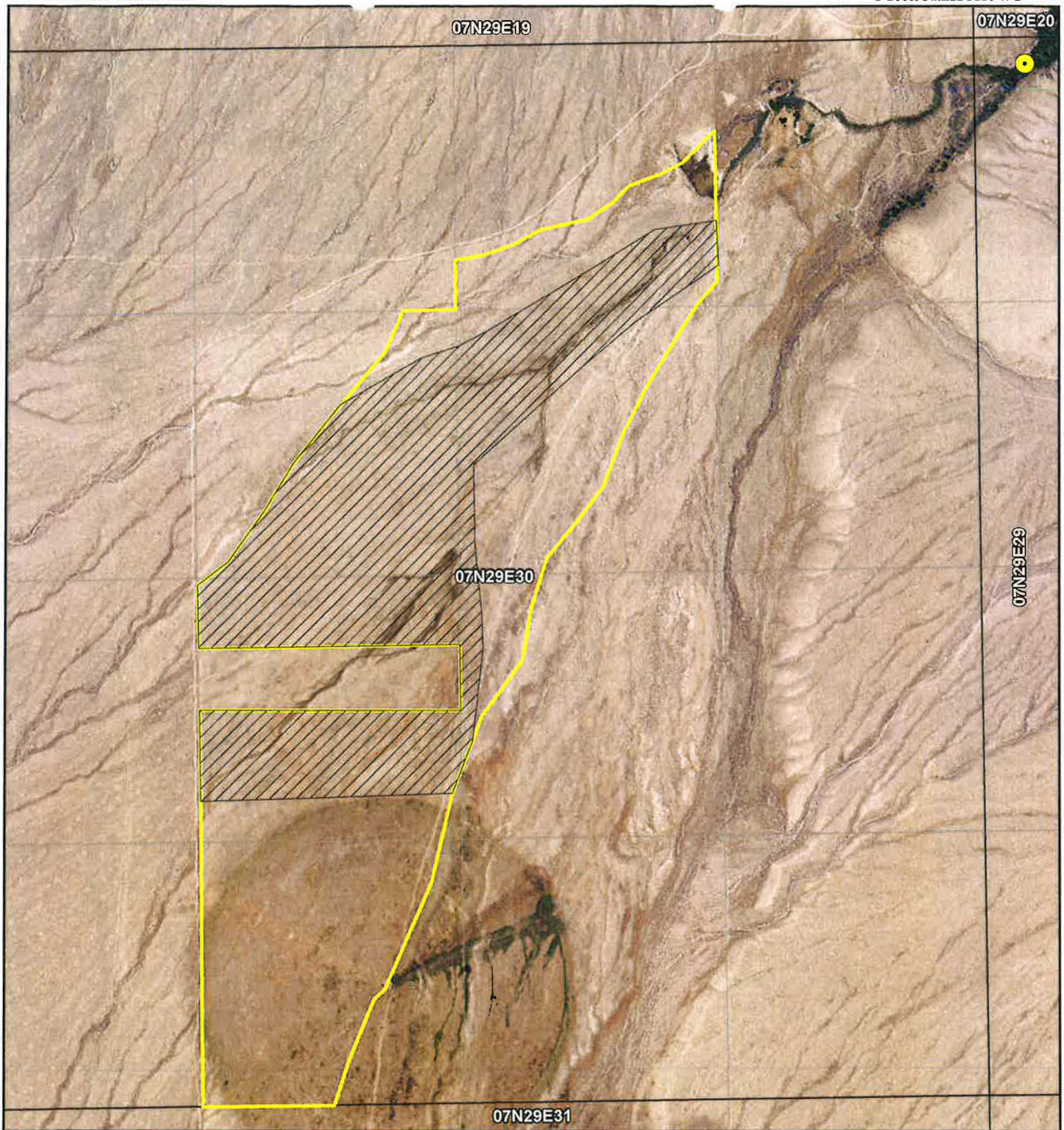
Signature



Printed Name



Date



0 0.15 0.3 0.6 Miles

2017 Aerial Photography

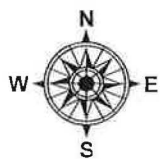
● WR POD 33-101A □ QQ

▨ Lease Acres

□ WRPOU 33-101A

▭ Twp & Rng

□ Section



Water Right 33-101A

Pancheri Inc

RMEA #13-0020

by: KM

Date: 10/16/2018



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.

MEMORANDUM

TO: Sascha Marston

FROM: Jean Hersley

DATE: June 22, 2020

RE: **Refund: WSB Lease Application 33-101A Withdrawn**

Please refund \$250.

NAME: ROCKY MOUNTAIN ENVIRONMENTAL ASSOC. INC

RECEIPT #: C108408

Thank you.

Jean

Hersley, Jean

From: Hersley, Jean
Sent: Monday, June 22, 2020 9:45 AM
To: IdwrPayable
Subject: Refund
Attachments: RKY MT ENVIR WSB PYMNT FOR Pancheri.doc

Please process the attached refund ASAP. Thank you.

Jean

Hersley, Jean

From: Kristin Moore <kristin.rmea@gmail.com>
Sent: Wednesday, April 29, 2020 3:21 PM
To: Hersley, Jean
Cc: 'R Pancheri'
Subject: RE: WSB Lease for Pancheri Inc 33-101A

Jean,

My client has decided to withdraw his application to lease right 33-101A to the WSB.

Thank you,

Kristin Moore

Senior Water Rights Analyst

482 Constitution Way, Ste 303, Idaho Falls, ID 83402

E-Mail: kristin.rmea@gmail.com

VOICE: 208-524-2353 ||| FAX: 208-524-1795



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From: Hersley, Jean [<mailto:Jean.Hersley@idwr.idaho.gov>]
Sent: Monday, March 16, 2020 1:41 PM
To: Kristin Moore <kristin.rmea@gmail.com>
Subject: RE: WSB Lease for Pancheri Inc 33-101A

I talked with others regarding the lease for water right 33-101A. The conclusion was, Pancheri Inc. should leased the entirety of water right 33-101A to the Bank if they are not going to use any surface water this year. However, that will reduce the number of acres they can irrigate with ground water to roughly 427.5 acres since there are now combined use limits with water rights 33-2138, 33-7040 and 33-7172. Let me know how your client would like to proceed.

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

From: Kristin Moore [<mailto:kristin.rmea@gmail.com>]
Sent: Tuesday, March 10, 2020 1:33 PM

To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: RE: WSB Lease for Pancheri Inc 33-101A

Jean,

You are right. The transfer was approved last year and was missed by our junior staff who renewed this application. Since the approval came late in the spring, Pancheri missed the deadlines to obtain funding to install the pipeline from South Creek. They have not yet used the South Creek water right in combination with the ground water rights. Pancheri's resubmitted their request for funding for the pipeline and are in the queue and awaiting approval. They will not have it installed to deliver water to the new POU in time for irrigation this year.

The transfer 83044 that moved the South Creek water right to be comingled with the ground water rights was submitted with a companion transfer 83038 to move some of the ground water rights to a new location. The South Creek water right is intended to replace the ground water rights that are moved. As of today, neither transfer has been accomplished due to the delay in funding of the pipeline. Pancheri's are submitting a Request for Extension of Time to Complete Transfer for both of these transfers. Until the pipeline is installed, no water rights will be physically moved, even though the transfers have been approved and reflect a different POU.

While the applicant is diligently working towards accomplishing the transfer, we would like to continue to protect water right 33-101A by leasing it to the Water Supply Bank. So how do we go forward? I can mark up a map, but those acres are not actually going to be dried up this year since they will be irrigated by ground water under transfer 83038, which has not yet been accomplished either.

Kristin Moore

Senior Water Rights Analyst

482 Constitution Way, Ste 303, Idaho Falls, ID 83402

E-Mail: kristin.rmea@gmail.com

VOICE: 208-524-2353 ||| FAX: 208-524-1795



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From: Hersley, Jean [<mailto:Jean.Hersley@idwr.idaho.gov>]

Sent: Monday, March 09, 2020 10:02 AM

To: kristin.rmea@gmail.com

Subject: WSB Lease for Pancheri Inc 33-101A

Attached is a map and water right report for 33-101A. Please mark on the map which 60.7 acres Pancheri, Inc. wishes to place in the Bank. The map attached to the application was for land located in T07N R29E Section 30. The place of use for water right 33-101a is located in T06N, R28E, Sections 1 & 12. The POU was moved in Transfer 83044 that was approved in May of 2019. Has this water right been co-mingled and used with water rights 33-2138, 33-4040 and 33-7172? If so, portions of those water rights will need to be placed in the Bank since there is a combined condition limiting those 4 water rights to 450.0 acres. Let me know how your clients would like to proceed. Thank you.

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*



0003467078

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0003467078

Date Filed: 3/29/2019 8:06:14 PM

Entity Name and Mailing Address:

PANCHERI, INC.

The file number of this entity on the records of the Idaho Secretary of State is: 0000121199

Address 1494 HIGHWAY 33
HOWE, ID 83244-8719

Entity Details:

Entity Status Active-Good Standing

This entity is organized under the laws of: IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: C36205

The registered agent on record is:

Registered Agent ROMAN PANCHERI
Registered Agent
Physical Address
4128 NLLR HWY
HOWE, ID 83244
Mailing Address

Corporate Officers and Directors:

Name	Title	Address
RORY PANCHERI	Treasurer	3695 N. 1700 W HOWE, ID 83244
RYAN PANCHERI	Secretary	1401 W HWY33 HOWE, ID 83244
RICK PANCHERI	President	P.O.BOX 46 HOWE, ID 83244
ROMAN PANCHERI	Director	4128 NLLR HWY HOWE, ID 83244
ROMERO PANCHERI	Director	3559 NORTH 1550 WEST HOWE, ID 83244
ROD PANCHERI	Director	1460 HWY 33 HOWE, ID 83244

The annual report must be signed by an authorized signer of the entity.

Roman Pancheri

Sign Here

03/29/2019

Date

Signer's Title: Director

B0214-7842 03/29/2019 8:06 PM Received by ID Secretary of State Lawrence Denney