

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 65-13459

PRIORITY: June 22, 1993

Maximum Diversion Rate: 0.53 CFS
Maximum Diversion Volume: 141.0 AF

It is hereby certified that:

DARWIN N PANCHERI 11066 MISSOURI AVE NAMPA ID 83686-9242 And/Or

JOAN L PANCHERI 9325 MISSOURI AVE NAMPA ID 83686

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 22, 1993, and has submitted Proof of Beneficial Use on August 23, 1995. An examination confirms water is diverted from:

SOURCE:
GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/15 to 10/31	0.53 CFS	141.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 (NW¼NW¼) Sec. 18, Twp 13N, Rge 04E, B.M. VALLEY 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	
13N	03E	13	9.0																9.0
13N	04E	7												2.0					2.0
13N	04E	18					29.0	7.0 L 1											36.0

Total Acres: 47

CONDITIONS OF APPROVAL

- The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 65-13459

2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 141 af at the field headgate for the place of use.
3. Rights 65-11250, 65-13459, and 65-13513 when combined shall not exceed a total diversion rate of 5.88 cfs, a total annual maximum diversion volume of 882 af at the field headgate, and the irrigation of 294 acres.
4. Rights 65-11250 and 65-13459 when combined shall not exceed a total diversion rate of 5.68 cfs, a total annual maximum diversion volume of 852 af at the field headgate, and the irrigation of 284 acres.
5. Rights 65-13459 and 65-13513 when combined shall not exceed a total diversion rate of 1.64 cfs, a total annual maximum diversion volume of 246 af at the field headgate, and the irrigation of 82 acres.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

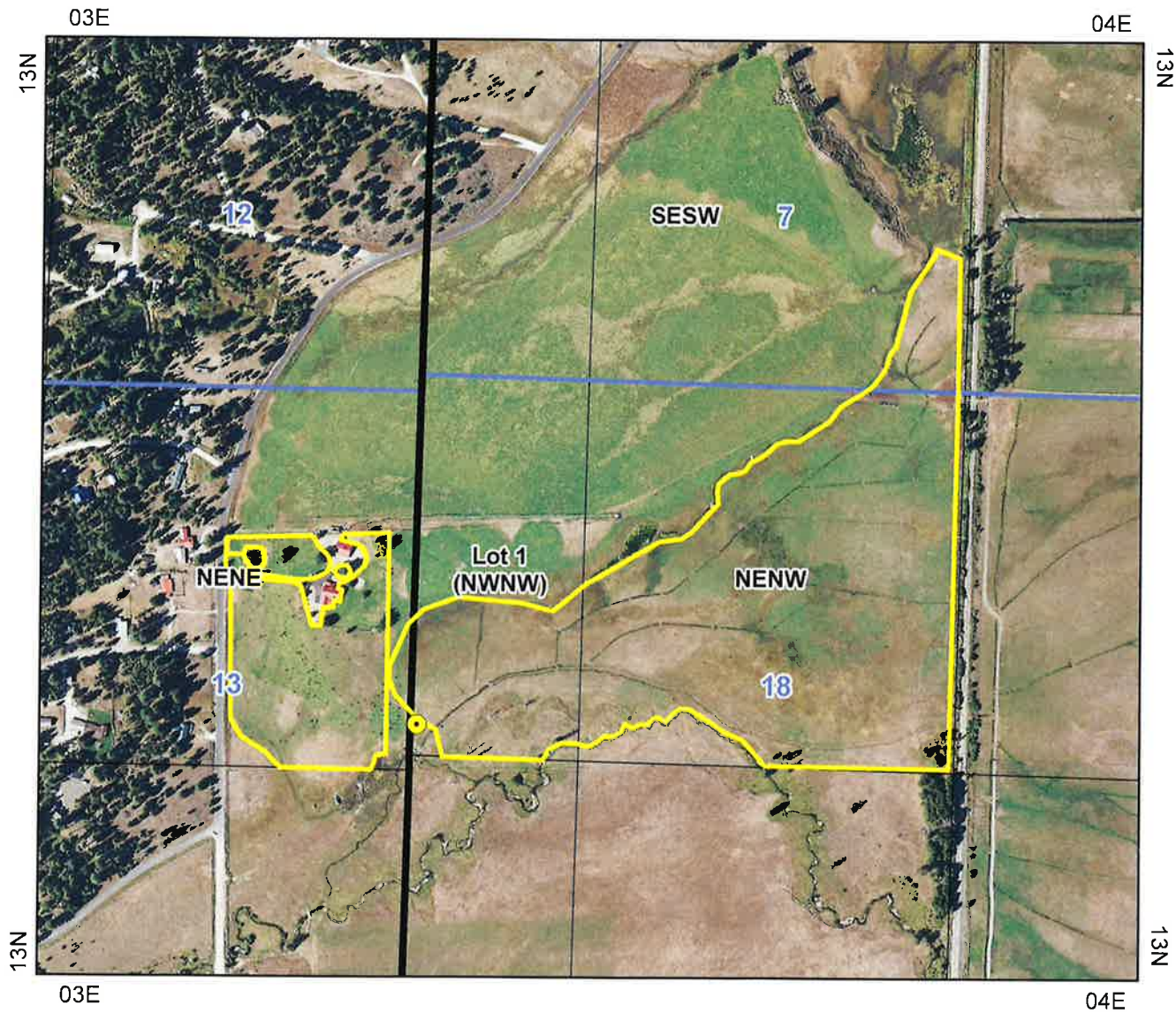
Signed this 27th day of December, 2018.



CLAY WEBSTER
Water Rights Supervisor

State of Idaho
Department of Water Resources
Attachment to Water Right License
65-13459

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.075 0.15 0.3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

January 09, 2019

JOAN L PANCHERI
9325 MISSOURI AVE
NAMPA ID 83686

DARWIN N PANCHERI
11066 MISSOURI AVE
NAMPA ID 83686-9242

RE: License Nos. 65-13459, 65-13513 & 65-13967

Issuance of Licenses

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right Licenses confirming that water rights have been established in accordance with your permits. Please be sure to thoroughly review all the conditions of approval listed on your licenses. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Also enclosed are copies of the approved applications for amendment.

The licenses are PRELIMINARY ORDERS issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). They can and will become final orders without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 287-4910.

Sincerely,

Clay Webster
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2019, I served true and correct copies of Water Right License Nos. 65-13459, 65-13513 & 65-13967 by U.S. Mail, postage prepaid, to the following:

JOAN L PANCHERI (Current Owner)
9325 MISSOURI AVE
NAMPA ID 83686

DARWIN N PANCHERI (Current Owner)
11066 MISSOURI AVE
NAMPA ID 83686-9242

NATE PANCHERI (Present Owner)
11066 MISSOURI
NAMPA ID 83686

KURT PANCHERI (Present Owner)
11066 MISSOURI
NAMPA ID 83686

WATER DISTRICT #65
RON SHURTLEFF (Watermaster)
102 N MAIN ST
PAYETTE ID 83661



Darla Block
Technical Records Specialist I

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-13459

RECEIVED

DEC 12 2018

DEPARTMENT OF
WATER RESOURCES

PRIORITY: June 22, 1993

Maximum Diversion Rate: 0.53 CFS
Maximum Diversion Volume: 141.0 AF

Comes now

DARWIN N PANCHERI 11066 MISSOURI AVE NAMPA ID 83686-9242 And/Or

JOAN L PANCHERI 9325 MISSOURI AVE NAMPA ID 83686

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 65-13459, and requests that the permit be changed as follows:

SOURCE:
GROUND WATER

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
04/15 to 10/31

DIVERSION RATE
0.53 CFS

ANNUAL DIVERSION VOLUME
141.0 AF

LOCATION OF POINT(S) OF DIVERSION:

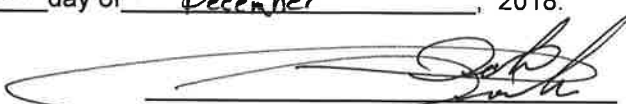
GROUND WATER L1 (NW¼NW¼) Sec. 18, Twp 13N, Rge 04E, B.M. VALLEY County

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	
13N	03E	13	9.0																9.0
13N	04E	7												2.0					2.0
13N	04E	18					29.0	7.0 L 1											36.0

Total Acres: 47

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 10th day of December, 2018.



(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-13459

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 200 Received by dw # C105971 Date 12-12-18

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 65-13459 with the following:

CONDITIONS OF APPROVAL

1. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 141 af at the field headgate for the place of use.
3. Rights 65-11250, 65-13459, and 65-13513 when combined shall not exceed a total diversion rate of 5.88 cfs, a total annual maximum diversion volume of 882 af at the field headgate, and the irrigation of 294 acres.
4. Rights 65-11250 and 65-13459 when combined shall not exceed a total diversion rate of 5.68 cfs, a total annual maximum diversion volume of 852 af at the field headgate, and the irrigation of 284 acres.
5. Rights 65-13459 and 65-13513 when combined shall not exceed a total diversion rate of 1.64 cfs, a total annual maximum diversion volume of 246 af at the field headgate, and the irrigation of 82 acres.

This amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 27th day of December, 2018.



CLAY WEBSTER
Water Rights Section Manager

State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-4801

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 5, 2018

DARWIN AND JOAN PANCHERI
C/O NATE PANCHERI
11066 MISSOURI AVE
NAMPA ID 83686-9242

RE: Amendment of Permit for Water Rights 65-13459 and 65-13967

Dear Mr. Pancheri:

The Department of Water Resources sent you an Application for Amendment form on November 5, 2018, for the above referenced Permits. The amendment is required because the field examiner who verified the water use established that wells were drilled in 40 acre tracts described differently than what was applied for in the original permits. As of this date, the Department has not received a response.

If I do not receive the amendment within fourteen (14) days or by September 20, 2018, I will assume you are no longer interested in these two permits and will begin the process to void the permits. I must warn you that if you do not return these forms with the \$200.00 fee there will be no legal authorization allowing you to use these water rights for irrigation purposes. In case the amendment form I sent you has been misplaced, a new one is enclosed.

If you have any questions, please contact me as soon as possible.

Sincerely,

Sincerely,
David H. Koch

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

Enclosures: Amendment of Permit 65-13459
Amendment of Permit 65-13967