

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-23513

Priority: August 08, 2012

Maximum Diversion Volume: 0.3 AF

It is hereby certified that:

GHEORGHE BORLOVAN
11204 W KIPLING WAY
NAMPA ID 83651

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 08, 2012, and has submitted Proof of Beneficial Use on October 31, 2013. An examination confirms water is diverted from:

Source : UNNAMED STREAM

Tributary: ROUND VALLEY CREEK

Beneficial Use

STOCKWATER STORAGE
AESTHETIC STORAGE

Period of Use

01/01 to 12/31
01/01 to 12/31

Annual Volume

0.3 AF
0.3 AF

Location of Point(s) of Diversion

UNNAMED STREAM SW¼ NE¼, Sec. 30, Twp 12N, Rge 04E, B.M. VALLEY County

Place of Use: STOCKWATER STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	04E	30			X	X													

Place of Use: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	04E	30			X	X													

Conditions of Approval

1. Use of water under this right may 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. 65.
2. The right holder shall contact the watermaster by June 15 each year for authorization to continue diverting and using water. The right holder shall not divert water after June 15 each year unless the watermaster authorizes continued diversion and use of water under this water right. When the watermaster informs the right holder that water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate for the depletion of water caused by this water use. The department may amend the contact date listed in this administrative provision to more closely coincide with the date when water is not available to fill this water right.
3. The storage of water under this right shall not exceed a total capacity of 0.3 acre-feet.

SCANNED

AUG 21 2023

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-23513

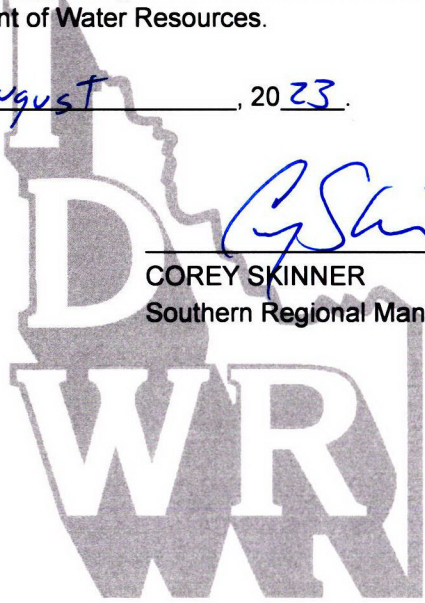
4. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

This license is issued pursuant to the provisions of Idaho Code § 42-219. 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 21ST day of August, 2023.



COREY SKINNER
Southern Regional Manager



State of Idaho
Department of Water Resources
Attachment to Water Right
65-23513

This map depicts the STOCKWATER & AESTHETIC STORAGE 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.



0 0.035 0.07 0.14 Miles

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



SCANNED
AUG 21 2023



Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 21, 2023

GHEORGHE BORLOVAN
11204 W KIPLING WAY
NAMPA ID 83651

RE: License No. 65-23513

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. 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.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order 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. 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) 736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

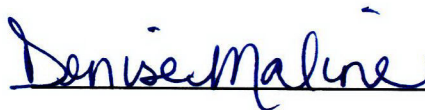
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2023, I served a true and correct copy of Water Right License No. 65-23513 by U.S. Mail, postage prepaid, to the following:

GHEORGHE BORLOVAN (Current Owner)
11204 W KIPLING WAY
NAMPA ID 83651

WATER DISTRICT #65
NEIL SHIPPY (Watermaster)
102 N MAIN ST
PAYETTE ID 83661-2522

A handwritten signature in blue ink, reading "Denise Maline", is written over a horizontal line.

Denise Maline
Administrative Assistant 1

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
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 65-23513
Exam Date: 08/01/2023

1. Current Owner:
GHEORGHE BORLOVAN 11204 W KIPLING WAY NAMPA ID 83651
2. Accompanied by: Benny Walker (IDWR)

3. **SOURCE:**
UNNAMED STREAM

Tributary
ROUND VALLEY CREEK

Method of Determination: ArcMap and Field Exam Observation

B. OVERLAP REVIEW

1. Other water rights with the same place of use: YES Overlap

Water Right No.	Source	Purpose of Use	Basis
65-18195	Unnamed stream	Stock water	Decreed

Comments: Approximately six acres of the Applicant's parcel overlaps 65-18195, which has an approximate 300-acre stock water POU. A transfer may be needed to correct the POU of 65-18195.

2. Other water rights with the same point-of-diversion: **None**

C. DIVERSION AND DELIVERY SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**

UNNAMED STREAM SW¼ NE¼, Sec. 30, Twp 12N, Rge 04E, B.M. VALLEY County

Method of Determination: ArcMap and field observation

PLACE OF USE: STOCKWATER STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	04E	30			X	X													

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	04E	30			X	X													

Method of Determination: ArcMap and field observation

3.

Delivery System Diagram Attached (required). Indicate all major components and distances between components.
 X Indicate weir size/pipe as applicable.

 X Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.

 X Aerial Photo Attached (required for irrigation of 10+ acres).

 X Photo of Diversion and System Attached

D. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: **N/A**

2. Volume Calculations for Other Uses:

Stock Water Storage/Aesthetic Storage:

Channel length: 741 feet Average Channel Width: 8.0 feet Average Water depth: 2.5 feet

$$741 \text{ ft} \times 8.0 \text{ ft} \times 2.5 \text{ ft} = 14,820 \text{ ft}^3$$

$$14,820 \text{ ft}^3 / 43,560 \text{ (cubic feet per AF)} = 0.34 \text{ or } \mathbf{0.3 \text{ AF}}$$

G. NARRATIVE/REMARKS/COMMENTS

On August 01, 2023 Benny Walker (IDWR) and I performed a field exam for Water Permit 65-23513 that authorized 1.0 AF for Stock water storage, 1.0 AF for Aesthetic storage, and 0.09 cfs for irrigation from an unnamed stream. I received verbal permission (via phone call) from the applicant to perform the field exam at any time. The applicant was not present during the exam.

The application proposed to deepen the channel of the unnamed stream to provide storage volume for Stock Water and Aesthetic uses. I measured the average depth and width of the deepened channel and verified the channel length using ArcMap (see volume calculations on page 2). Livestock was not present on the day of the field exam but there was evidence of cattle recently accessing the unnamed stream. The application also proposed to put a pump in the unnamed stream to divert water for irrigation. The irrigation was never developed so the irrigation will be dropped at licensing. The upstream POD, closest to the highway, will also be dropped.

Conditions on the permit have been complied with and I recommend licensing 65-23513 for 0.3 AF for Stock water storage and Aesthetic storage.

Have conditions of permit approval been met? X Yes No

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
STOCKWATER STORAGE	01/01 to 12/31		0.3 AF
AESTHETIC STORAGE	01/01 to 12/31		0.3AF

Totals:**0.3 AF****2. Recommended Amendments**

_____ Change P.D. as reflected above _____ Add P.D. as reflected above X None

_____ Change P.U. as reflected above _____ Add P.U. as reflected above X None

I. AUTHENTICATION

Kent Aasa -

Field Examiner's Name

Date

08-18-2023

Reviewer

Date

8/21/2023

65-23513

Stock water and Aesthetic Storage:

Channel length: 741 feet

Average Channel Width: 8.0 feet

Average Water depth: 2.5 feet

$$741 \text{ ft} \times 8.0 \text{ ft} \times 2.5 \text{ ft} = 14,820 \text{ ft}^3$$

$$14,820 \text{ ft}^3 / 43,560 \text{ (cubic feet per AF)} = 0.34 \text{ or } \mathbf{0.3 \text{ AF}}$$

Irrigation: Not developed so it will be dropped at licensing

65-23513 POU_POD



Field Exam 65-23513

State of Idaho
Department of Water Resources

Water Right
65-23513 SYSTEM DIAGRAM



0 0.01 0.02 0.04 Miles

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

Field Exam 65-23513



SCANNED
AUG 21 2023



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W Airport Way • Boise ID 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

March 10, 2021

GEORGHE BORLOVAN
11204 W KIPLING WAY
NAMPA, ID 83651

COPY

RE: Water Appropriation Permit 65-23513

Notice of Intent to Void Permit

Dear Permit Holder:

On December 27, 2012 IDWR issued permit 65-23513 authorizing Georghe Borlovan to develop a right to divert 0.090 cfs and 1.0 AF of water from UNNAMED STREAM tributary to ROUND VALLEY CREEK within the SW¼ NE¼ of Section 30, Township 12 North, Range 04 East, B.M., for IRRIGATION, STOCKWATER STORAGE, and AESTHETIC STORAGE purposes in Valley County. Under the terms of the permit, the development was to have been completed by December 1, 2017. On October 31, 2013, IDWR received a Proof of Beneficial Use statement indicating development had been completed and water had been put to beneficial use.

On July 3, 2017, April 25, 2019, and June 14, 2019 IDWR mailed letters to contact you in order to schedule a field examination to verify the water use in order to issue a water right license, or submit a relinquishment or assignment of permit form, to which none have been received to date. Additionally, a Notice of Intent to Void Permit was sent September 6, 2019 to which you responded to by phone, yet access to property to conduct a field examination was not made.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that you have met the requirements for establishing a water right. If you have not developed a beneficial use of water within the development period authorized by your permit, however, no water right has been established, and no license can be issued. Once the development period authorized by your permit expires, your permit cannot be retained to cover future development of the resource.

If you believe a water right license should be issued to you, please contact me within the next thirty (30) days at (208) 334-2190 schedule an examination to demonstrate that beneficial use has been developed. If I do not hear from you within thirty days in order to schedule a field exam, I will take action to void permit 65-23513 under the provision of Section 42-219(8) of the Idaho Code. If you agree that no beneficial use of water occurred under permit 65-23513, you can shorten the voiding process by completing the enclosed relinquishment form and returning it to IDWR. If you no longer own the place of use property identified in the permit, please submit the enclosed Assignment of Permit form with the applicable \$25 processing fee.

If you have any questions, please contact me at 208-334-2190.

Respectfully,

Justin Shearer
Water Resource Agent, Sr.

Enclosure: Relinquishment of Permit, Assignment of Permit

SCANNED

MAY 26 2023



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W Airport Way • Boise ID 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 6, 2019

GEORGHE BORLOVAN
11204 W KIPLING WAY
NAMPA, ID 83651

COPY

RE: Water Appropriation Permit 65-23513

Notice of Intent to Void Permit

Dear Permit Holder:

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If you believe a water right license should be issued to you, please contact me within the next fourteen (14) days at (208) 334-2190 schedule an examination to demonstrate that beneficial use has been developed. If I do not receive the requested information from you within fourteen days, I will take action to void permit 65-23513 under the provision of Section 42-219(8) of the Idaho Code. If you agree that no beneficial use of water occurred under permit 65-23513, you can shorten the voiding process by completing the enclosed relinquishment form and returning it to IDWR. If you no longer own the place of use property identified in the permit, please submit the enclosed Assignment of Permit form with the applicable \$25 processing fee.

If you have any questions, please contact me at 208-334-2190.

Respectfully,

Justin Shearer
Water Resource Agent, Sr.

Enclosure: Relinquishment of Permit, Assignment of Permit

SCANNED

MAY 26 2023



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W Airport Way • Boise ID 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 14, 2019

COPY

GEORGHE BORLOVAN
11204 W KIPLING WAY
NAMPA, ID 83651

RE: Scheduling Field Exam for Water Right Permit No. 65-23513

Dear Permit Holder:

We are planning to conduct water right examinations in the vicinity of the above-referenced permit **this season**. An examination is needed to verify the water use in order to issue a water right license.

The above-referenced permit authorizes **0.090 CFS** from an **UNNAMED STREAM**, tributary to **ROUND VALLEY CREEK** for **IRRIGATION, STOCKWATER STORAGE, & AESTHETIC STORAGE** uses. **If you have developed a beneficial use and still own the place of use property, please contact me at your earliest convenience to schedule an examination.**

If you did not develop a beneficial use of water under the permit during the beneficial use period, a license cannot be issued and the permit should be relinquished. If that use was developed, but have ceased using the water and you currently carry no interest in it, please relinquish the permit by submitting the enclosed Relinquishment of Permit form (no fee required).

If you did develop a beneficial use of water under the permit, but you no longer own the place of use property identified in the permit, please submit the enclosed Assignment of Permit form with the applicable \$25 processing fee.

Please contact me within the next thirty (30) days at (208) 334-2190 to either schedule an examination or submit a relinquishment or assignment form. If you no longer own the place of use property and/or do not respond to this letter, the department will work with the current property owner to issue a license or void the permit.

Sincerely,

Justin Shearer
Water Resource Agent, Sr.

Enclosures: Relinquishment of Permit form
Assignment of Permit form
Water Permit Report and Map

SCANNED

MAY 26 2023



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W Airport Way • Boise ID 83705-5082

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 25, 2019

COPY

GEORGHE BORLOVAN
11204 W KIPLING WAY
NAMPA, ID 83651

RE: Scheduling Field Exam for Water Right Permit No. 65-23513

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Sincerely,

Justin Shearer
Water Resource Agent, Sr.

Enclosures: Relinquishment of Permit form
Assignment of Permit form
Water Permit Report and Map

SCANNED

MAY 26 2023



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 3, 2017

GEORGHE BORLOVAN
11204 W KIPLING WAY
NAMPA, ID 83651

COPY

RE: Scheduling Field Exam for Water Right Permit No. 65-23513

Dear Permit Holder:

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Sincerely,

Justin Shearer
Water Resource Agent

Enclosures: Relinquishment of Permit form
Assignment of Permit form
Water Permit Report and Map

SCANNED
MAY 26 2023