

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 92-11130

Priority: March 11, 2022

Maximum Diversion Rate: 0.06 CFS

Maximum Diversion Volume: 1.4 AF

It is hereby certified that:

DAVID PROCARIONE 1204 NORTH FORK ALDER CREEK RD ST MARIES ID 83861-9519
AND/OR

TONI PROCARIONE 1204 NORTH FORK ALDER CREEK RD ST MARIES ID 83861-9519

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 11, 2022, and has submitted Proof of Beneficial Use on May 05, 2023. An examination confirms water is diverted from:

Source : GROUND WATER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	0.2 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

Location of Point(s) of Diversion

GROUND WATER SE¼ SW¼, Sec. 32, Twp 45N, Rge 03W, B.M. BENEWAH County

Place of Use: STOCKWATER and DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
45N	03W	32												X					

Conditions of Approval

1. This right does not grant any right-of-way or easement across the land of another.
2. Domestic use is for 1 home.
3. The irrigation occurring under this domestic use shall not exceed 1/2 acre.

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 6th day of June, 2023.

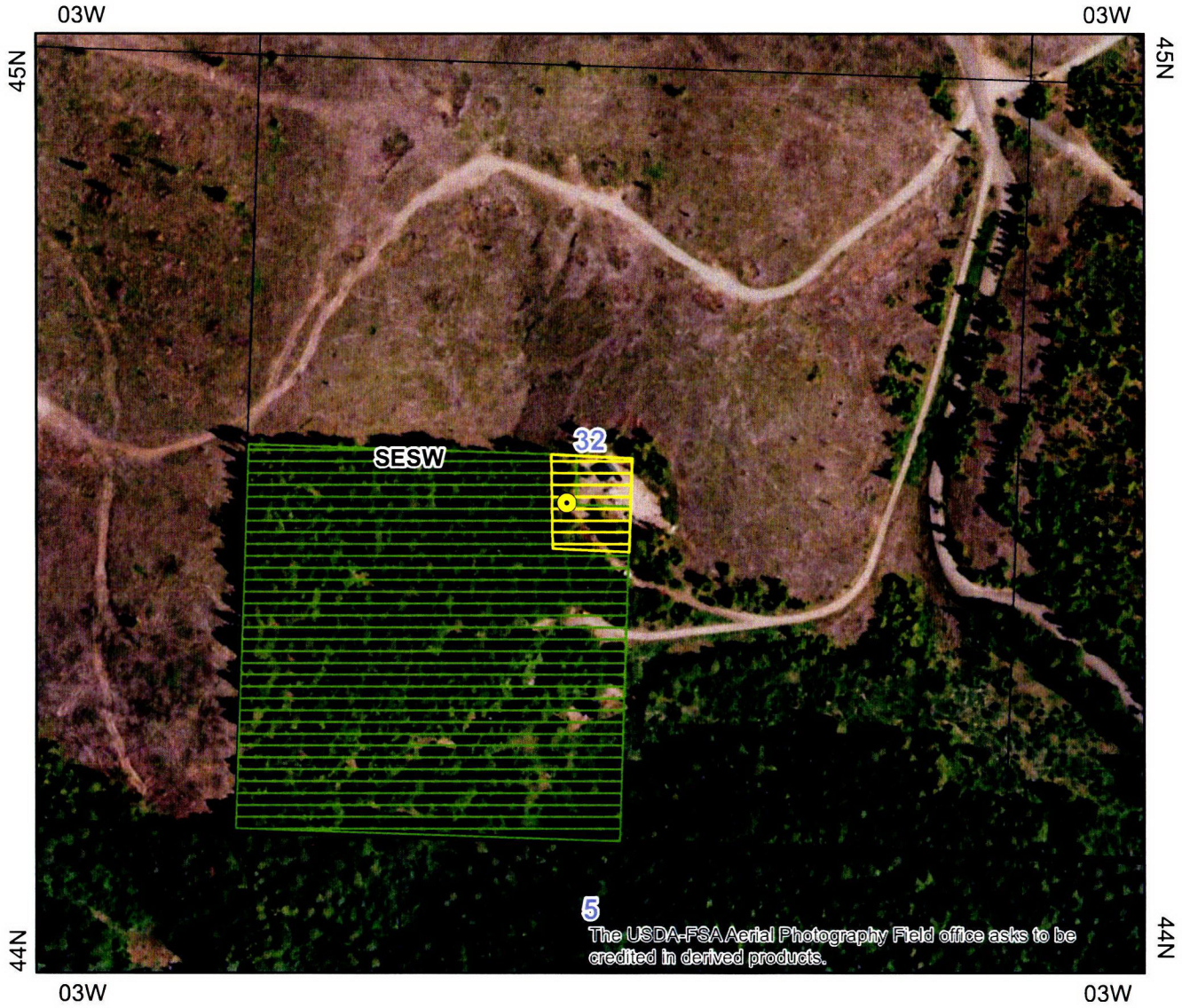


PHILL HUMMER
Water Rights Supervisor

SCANNED
JUN 07 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
92-11130

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



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

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JUN 07 2023
N

RECEIVED

MAY 09 2023

RECEIVED
MAY 05 2023DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$ 50.00
Receipt No. N043287
Received By NS
Date Received 5/5/23

IDWR / NORTH

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

- Permit No. 92-11130 Name of Permit Holder(s) DAVID J. & TONI M. PROCARIONE
Telephone No. 208-204-6162 Email SOSYER1963@GMAIL.COM
Mailing Address 1204 NORTH FORK ALDER CREEK RD. City ST. MARIES State ID. Zip 83861
- Source of Water WELL If Ground Water (well), Date Drilled mo. 8 / yr. 08
Drilling Permit/Tag No. Permit # 852849 Tag # 0055521 Drilling Company's Name INTERSTATE DRILLING LLC
- Extent of use(s) completed as authorized by the water right permit:
Domestic (No. households) 1 Irrigation (No. acres) 1/2 Stockwater (No. and stock type) 2 HORSES,
Other 1 PIG, 12 CHICKENS
- Total diversion rate or volume (storage only) for which proof is submitted 0.06 cfs OR _____ af
If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.
- Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)
FROM WELL IN HOSE / BLACK TUBING TO WATER TROUGH
AND OR GROUND FOR GARDEN & GRASS
- Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:
Required? Yes No (If "Yes", attach required data, evidence of compliance, or evidence of installation)

☐	☒	Ground water level data, pumping information, or other diversion data
☐	☐	Mitigation plan
☐	☐	Lockable controlling works
☐	☐	Measuring device
☐	☐	Fish screen
☐	☐	Other requirements of the water right permit _____
☐	☐	Reasonably Anticipated Future Needs ("RAFN") Municipal use

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No
- Fee Enclosed \$ 50.- or ☐ CWRE field report attached or ☐ No fee required
See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.
- Person to contact to accompany a Department representative during the field examination of the water system:
Name: DAVID PROCARIONE Telephone No. 208-204-6162 Email SOSYER1963@GMAIL.COM
Mailing Address 1204 NORTH FORK ALDER CREEK RD. City ST. MARIES State ID. Zip 83861

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

DAVID PROCARIONE

SIGNATURE OF PERMIT HOLDER*

DAVID PROCARIONE - OWNER

PRINTED NAME AND TITLE

4/29/23

DATE

*Attach power of attorney if completing on behalf of permit holder.

SCANNED

JUN 07 2023



Governor Brad Little

Director Gary Spackman

June 07, 2023

DAVID PROCARIONE
TONI PROCARIONE
1204 NORTH FORK ALDER CREEK RD
ST MARIES ID 83861-9519

RE: License No. 92-11130

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) 287-4925.

Sincerely,

Jean Hersley

FOR
Phill Hummer
Water Rights Supervisor

Enclosure(s)

SCANNED

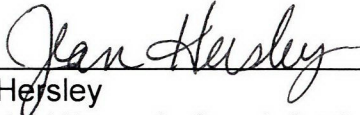
JUN 07 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 07, 2023, I served a true and correct copy of Water Right License No. 92-11130 by U.S. Mail, postage prepaid, to the following:

DAVID PROCARIONE (Current Owner)
1204 NORTH FORK ALDER CREEK RD
ST MARIES ID 83861-9519

TONI PROCARIONE (Current Owner)
1204 NORTH FORK ALDER CREEK RD
ST MARIES ID 83861-9519



Jean Hersley
Technical Records Specialist 2

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: 92-11130
Exam Date: 06/02/2023

1. Current Owner:

DAVID PROCARIONE 1204 NORTH FORK ALDER CREEK RD ST MARIES ID 83861-9519 AND/OR
TONI PROCARIONE 1204 NORTH FORK ALDER CREEK RD ST MARIES ID 83861-9519

3. **SOURCE:**

GROUND WATER

Method of Determination: Well construction log found via permit ID

B. OVERLAP REVIEW1. Other water rights with the same place of use: No Overlap

Water Right No.	Source	Purpose of Use	Basis

Comments: No Overlap

2. Other water rights with the same point-of-diversion: NO Overlap

Water Right No.	Source	Purpose of Use	Basis

Comments: No overlapping water rights

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

GROUND WATER SE¼ SW¼, Sec. 32, Twp 45N, Rge 03W, B.M. BENEWAH County

Method of Determination: Spatial data point determined by driller

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
45N	03W	32												X					

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
45N	03W	32												X					

Method of Determination: Aerial imagery and proof statement

3.

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

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

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4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
422603	Not Given	NA	NA	NA	NA

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

2. Measurements: n/a in-office exam

E. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

No calculations necessary, assuming standard rate for domestic and stock for less than 25 stock

 $0.04 \text{ cfs} + 0.02 \text{ cfs} = 0.6 \text{ cfs}$ **F. VOLUME CALCULATIONS**

1. Volume Calculations for irrigation: N/A

 $V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ $V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 =$ $V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$

2. Volume Calculations for Other Uses:

Domestic Use (Irrigation Included) = 1.2 AFA

Stockwater Use: 12 chickens + 2 horses + 1 pig falls into 0-10 head of stock category. Stockwater Use = 0.2 AFA

Combined Uses = 1.2 AFA + 0.2 AFA = 1.4 AFA

G. NARRATIVE/REMARKS/COMMENTS

This permit for domestic and stockwater beneficial uses from ground water qualifies for an in-house examination, given the diversion rate is less than 0.24 CFS. IDWR received the applicant's statement of completion and corresponding fee on May 5, 2023 with information regarding the development of the well and diversion system and stockwater development information including number of stock.

The domestic well, drilled with permit # 852849 by licensed well driller, Interstate Drilling LLC, was completed in August of 2008. The well log states the well was drilled to 228 ft below ground surface and the location is GPS confirmed to be in the correct PLS QQ.

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JUN 07 2023

The statement of completion was submitted without photographs and aerial imagery could only confirm domestic use has been developed. Photographs were requested and received on June 1, 2023, attached below. Dynamic head and brake horsepower can not be determined without schematics and pump information, but typical domestic wells are usually capable of the standard rates. We can assume that 0.06 CFS is an appropriate rate for the applicants' needs and has been put to full beneficial use given the photographs.

The volume calculations performed in Section F are to be carried to the Recommendations Section. 1.2 acre feet per year for domestic use with irrigation included is a standard amount referenced in Application Processing Memo 22. Application Processing Memo 3 gives standard rates and volumes for stockwater purposes; I have assumed that 12 chickens altogether consume less than 1 gallon per day, so the applicant has the equivalent of 0-10 head of range cattle.

Condition 046 should be removed, it is assumed the well drilling permit requirements have been met. Condition X02 detailing stockwater use limits should be removed per standard policy. Conditions 004, X01, and 187 should remain on the License.

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>Volume</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	0.2 af
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 af
<u>Totals:</u>		0.06 CFS	1.4 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 Blake Burkard -

Field Examiner's Name Blake Burkard Date 6/6/23
 Reviewer pkm Date 6/6/23

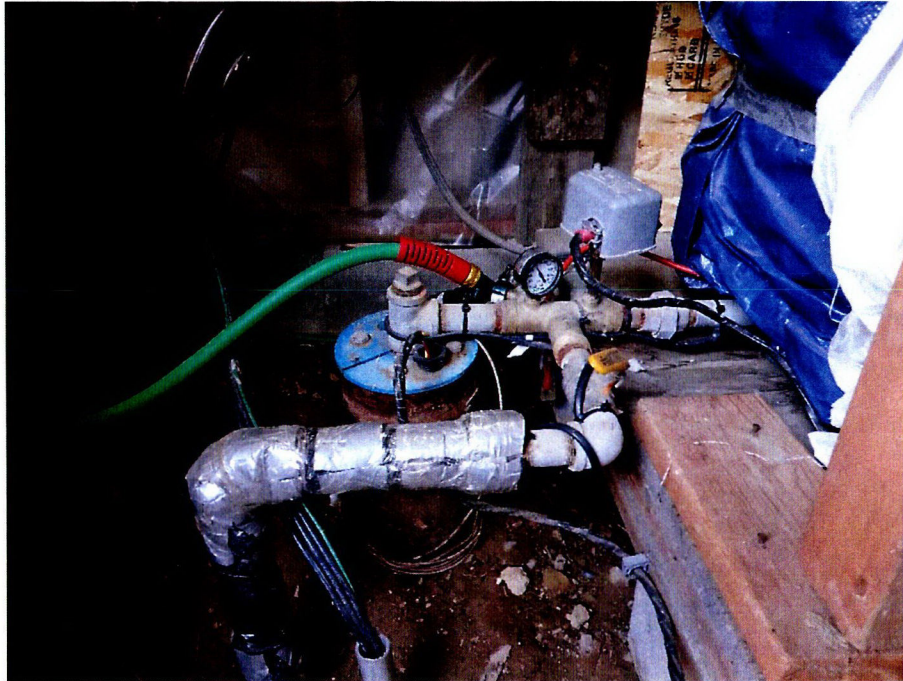


Figure 1: Photo of well in well house



Figure 2: Garden use development



Figure 3: Plastic stockwater trough



Figure 4: Aerial image showing home on the property within the place of use

SCANNED

JUN 07 2023

Burkard, Blake

From: David Procarione <sosyer1963@gmail.com>
Sent: Friday, June 2, 2023 9:23 AM
To: Burkard, Blake
Subject: Re: Proof of Beneficial Use

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Good morning.....let me know if the pic's are sufficient....I guess I got a lil confused with the application...thanks....

On Fri, Jun 2, 2023, 8:20 AM David Procarione <sosyer1963@gmail.com> wrote:

On Fri, Jun 2, 2023, 8:17 AM David Procarione <sosyer1963@gmail.com> wrote:

On Thu, Jun 1, 2023, 6:00 PM David Procarione <sosyer1963@gmail.com> wrote:
I will get this info to you tomorrow...thanks

On Thu, Jun 1, 2023, 2:54 PM Burkard, Blake <Blake.Burkard@idwr.idaho.gov> wrote:

Hello,

I just left you a voicemail stating that your proof of beneficial use is technically incomplete. We require a map of the place of use and photographs showing beneficial use. A map may be hard to produce given the tree cover you have at your property, but if you could please email me photographs of your well, garden, and trough for stock watering, I can get you your Water Right license as soon as possible.

Let me know if you have any questions.

Thanks,

Blake Burkard

Engineer Intern

(208) 287-4870

blake.burkard@idwr.idaho.gov

Beneficial Use Proof Evaluation

Permit Number: 92-11130 Reviewer: AVEibell Review Date: 5/16/2023

Acceptability

- 1) Is the contact on the request the current permit holder? Yes
- 2) Does the address of record need to be updated? No
- 3) Proof Submitted Date: 5/5/2023
- 4) Proof Due Date: 6/1/2023
- 5) Days added for weekend due date?
- 6) Days added for holiday due date?
- 7) Number of days late: -27
- 8) Proof received timely? Yes

Analysis

- 1) Are the water uses correct? Yes
- 2) Are one of the following items required?
 - a. Measuring Device -- No
 - b. Lockable Device --No
 - c. Fish Screen -- No
- 3) Are the required items installed? Yes
 - a. Measuring Device -- No
 - b. Lockable Device --No
 - c. Fish Screen -- No
- 4) Is there a request to waive the required items? No
- 5) Drilling Permit Number: 852849
- 6) Is a drilling permit upgrade needed? No
- 7) Was a well drillers report filed? No
- 8) Is proof accepted? Yes

Fees

- 1) Is a licensing exam fee required? Yes
- 2) Was proof submitted with an exam report from a CWE? No
- 3) Filing fee due: \$50.00
- 4) Filing fee submitted: \$50.00
- 5) Remaining fee or (refund): \$0.00

Receipt IDs

N038599

Comments



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little
March 31, 2023

Director Gary Spackman

DAVID PROCARIONE
TONI PROCARIONE
1204 NORTH FORK ALDER CREEK RD
ST MARIES ID 83861-9519

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 92-11130

IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.

Dear Permit Holders:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before **June 01, 2023**. Please complete and return the enclosed Statement of Completion for Submitting Proof of Beneficial Use (proof) if you have completed the water project authorized by your permit. The proof statement must be accompanied by either the appropriate license examination fee or a field examination report prepared by a certified water right examiner.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Idaho Code § 42-204. If you have been delayed by a government agency or by litigation that brings title to the water in question, an extension of time may be granted if appropriate documentation is provided at the time of filing. An extension request must be accompanied by a \$50.00 filing fee and signed by the appropriate authorized permit holder(s) or authorized representative with a power of attorney.

Either an acceptable proof or an acceptable extension request must be received by this Department on or before the above proof due date. If neither is received, the Department will send you a lapse notice and the permit will no longer be of any force or effect.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

CERTIFIED MAIL

7021 1970 0000 0024 4397

NO _____

SCANNED

MAR 31 2023