

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 684

RECEIVED

FEB 03 2023

DEPARTMENT OF
WATER RESOURCES

This is to certify that:

PANCHERI INC
1494 HWY 33
HOWE, ID 83244

ROCKY MOUNTAIN
ENVIRONMENTAL ASSOCIATES
482 CONSTITUTION WAY STE 303
IDAHO FALLS, ID 83402

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
33-7055	8/24/1977	GROUND WATER	0.23	59.5	17.0	0.014	3.5
Rental Totals			0.23	59.5	17.0	0.014	3.5

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2023. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2023, whichever occurs last.

Annual Rental Fee:

2023: \$136.85

The full fee for the rental of the above-described right(s) is \$136.85 for 2023. The rental fee includes an administrative fee of \$136.85 for 2023. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 33-7055.

An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

Detailed water right conditions are attached.

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DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 684

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Rod Pancheri

Signature of Renter

1-23-23

Date

Rod Pancheri

Printed Name

Partner/owner

Title

*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By

Brian Patton

BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date

2/6/23

Rental approved by IDWR

FR

Date

2/6/23

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENW	Sec. 3, Twp 08N, Rge 27E,	BUTTE County
GROUND WATER I	NENW	Sec. 3, Twp 08N, Rge 27E,	BUTTE County
LITTLE LOST RIVER R	NWNE	Sec. 33, Twp 09N, Rge 27E,	BUTTE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.23 CFS

VOLUME
59.5 AF

SEASON OF USE

Water Right No.	From	To
33-7055	3/15	11/15

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	27E	33													12			1.0	13.0
09N	27E	34										4.0							4.0

Total Acres: 17.0

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. 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 Little Lost River or point of redirection described above.

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DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 684

10. 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 place of use.
11. This agreement and rights 33-35A and 33-2068A when combined shall not exceed a total diversion rate of 2.51 cfs and the irrigation of 131 acres.
12. This agreement and rights 33-32A, 33-33A, 33-35A, 33-2068A, 33-14944 and 33-10997 when combined shall not exceed a total diversion rate of 4.82 cfs and the irrigation of 205 acres
13. This agreement and rights 33-32A, 33-33A, 33-35A, 33-2068A, and 33-10997 when combined shall not exceed a total diversion rate of 4.71 cfs and the irrigation of 195 acres.
14. This agreement and rights 33-2068A, 33-10997, and 33-14944 when combined shall not exceed a total diversion rate of 2.51 cfs and the irrigation of 140 acres.
15. 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 diversions.
16. This rental agreement does not authorize the construction of a well.

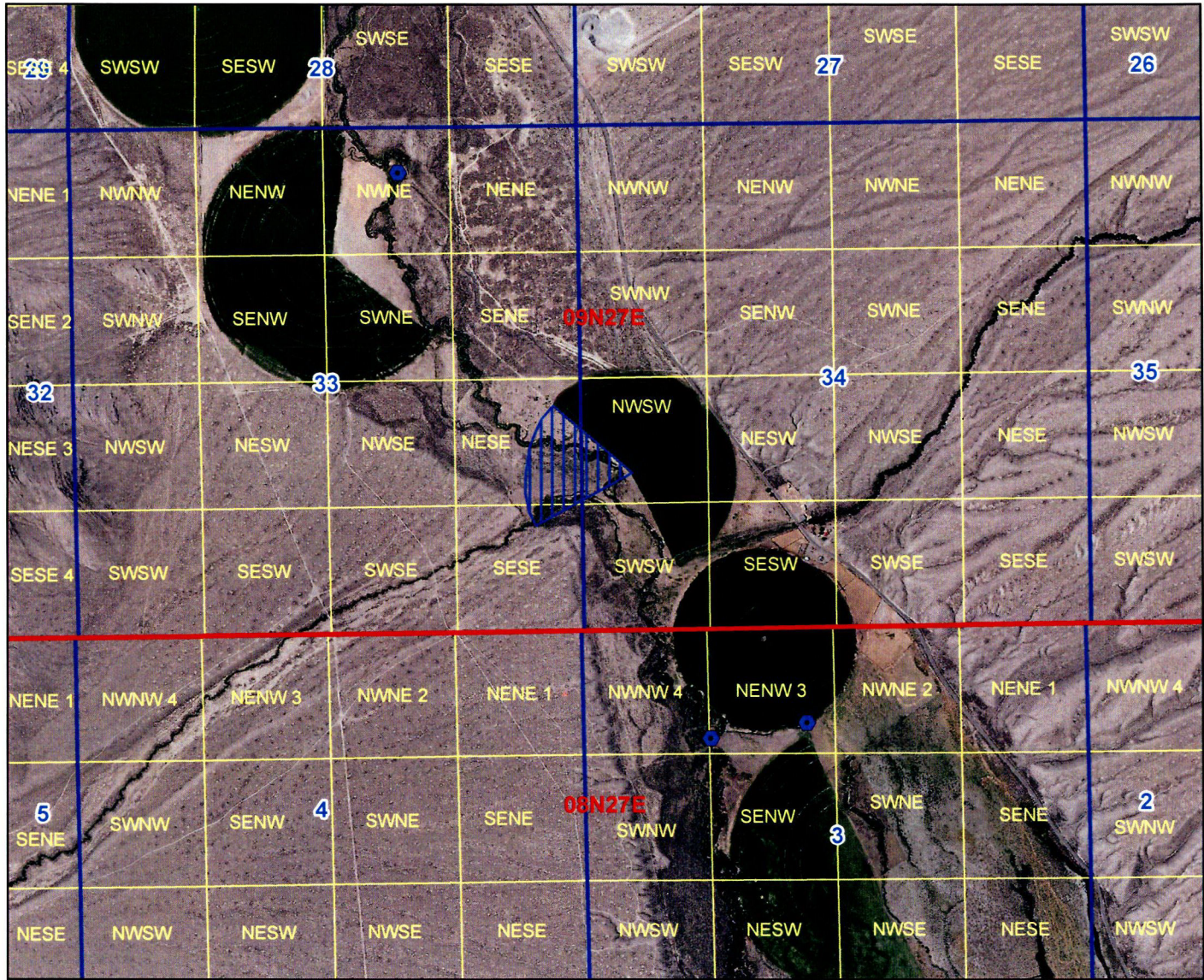
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MAR 15 2023

Idaho Water Resource Board

Attachment to Water Supply Bank Rental Agreement No. 684

Effective until December 31, 2023

This map depicts the **rental place of use** pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



Legend

- Water Supply Bank Rental POD
- Water Supply Bank Rental POU
- Township/Range
- Sections
- QQ

0 1,000 2,000 3,000 Feet



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MAR 15 2023

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

DEC 10 2021

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANKApplicant Name: Pancheri Inc.

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

Yes ☐ No ☒

If yes, specify companion water rights in Section 4

This application must be completed according to the minimum requirement checklist below. This checklist is part of the rental application and must be included with the rental application. **Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.**

Rental applications should be submitted well in advance of the desired start date for the use of rental water. Rental applications may be processed as early as November 1 of the year prior to the intended use of rental water. Any rental application received on or before November 1 for use in the next year will be assigned a received date of November 1. Rental applications submitted more than one year in advance of the proposed start date for the use of rental water will not be accepted and will be returned to applicants. Rental applications may be returned to applicants if the desired start date for the use of rental water cannot be accommodated by the Water Supply Bank. Rental requests will not be accepted once the rental season of use period has concluded.

One rental application per beneficial use of water. For multiple beneficial uses of water, separate rental requests should be submitted for each unique beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources.

For additional instructions on completing a rental application, visit the Bank's website at http://idwr.idaho.gov/water_supply_bank.

MINIMUM REQUIREMENT CHECKLIST

Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes

- ☒ Completed *Application to Rent Water from the Board's Water Supply Bank*
- ☒ Confirmation that this form has been printed single sided, per requirement of the Water Supply Bank

Attachment N/A Yes

- 2 ☒ A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request
- 3A ☒ ☐ Detailed information on a proposed use of rental water
- 3F ☒ ☐ Authorization from the owner/operator of the rental point(s) of diversion
- 3H ☒ ☐ Water modeling to account for the impacts of the rental request
- 3J ☒ ☐ Documents justifying a rate of flow greater than 0.02 cfs/acre
- 3K ☒ ☐ Authorization from the owner/operator of the property at the proposed rental place(s) of use
- 4B ☒ ☐ Explanation of how the rental water will sufficiently accomplish your rental purposes
- 4C ☒ ☐ Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

33-7055

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STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Pancheri Inc.

Mailing Address <u>1494 Highway 33</u>	Howe	ID	83244
Street	City	State	Zip Code
Email Address <u>rpancheri@gmail.com</u>	Phone Number <u>208-339-1293</u>		

B. Is this application being completed by an authorized representative on behalf of the applicant? Yes ☒ No ☐
 If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative <u>Kristin Moore</u>	Professional Title <u>Sen. Water Rights Analyst</u>
Organization <u>Rocky Mountain Environmental Assoc. Inc</u>	Relationship to Applicant <u>Consultant</u>
Mailing Address <u>482 Constitution Way Ste 303, Idaho Falls, ID 83402</u>	
Email Address <u>kristin.rmea@gmail.com</u>	Phone Number <u>208-524-2353</u>

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use and water diversion, delivery and distribution systems. Make sure the rental 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 irrigate. Attach the map to this application and label it **Attachment 2**.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

A. Describe why you desire to rent water and provide a detailed description of your proposed use. If the proposed use is not for irrigation, describe in detail how you determined the amount of rental water required. If the space below is insufficient, attach additional sheets as required and label them **Attachment 3A**:

Applicant desires to allow the existing pivot to run full circle for irrigation. Only 17 acres of additional water rights are required and are proposed to be rented from another property owned by the applicant, under a different entity name.

B. Enter the desired and/or minimum rates of flow, volume, or irrigable acres requested for your rental purposes:

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Desired Acres (if applicable)
0.23 CFS	59.5 AF	0.23 CFS	59.5 AF	17 AC

* Sometimes water rights provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.

C. This section must be completed in full. Enter the proposed start date and latest possible start date for using rental water as well as the number of years you would like to rent water. The latest possible start is the latest possible date by which you would be willing to pay for a rental and be able to benefit from utilizing rental water.

Desired Start Date (month/day/year)	Latest Possible Start Date (month/day/year)	*Mark Desired Rental Duration (Calendar Years)					**Applicant's preference if rental application cannot be processed prior to the latest possible start?	
5/1/2022	6/1/2022	☐ 1	☒ 2	☐ 3	☐ 4	☐ 5	☒ Process application as soon as possible	☐ Return application to applicant

* The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.

** Per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right. Water Supply Bank rental applicants are not authorized to utilize rental water prior to the execution of an approved rental agreement. Rental requests may be returned to applicants if no water is available from the Bank to fulfill a rental request.

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STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- D. Describe your water distribution system and how rental water will be delivered from the point(s) of diversion (POD) to the proposed place of use (POU):

Existing well injects water into the Little Lost River, which is rediverted into a pipeline and delivered to the pivot system that will irrigate the proposed POU.

- E. Describe the physical type (pump, headgate, etc.) and location of the POD from which rental water is proposed to be diverted:

POD Description	Water Source	Other Water Rights Diverted from this POD
T8N R27E S3 NENW L3	Ground Water	Well - 33-2068A, 33-10997, 33-14944, 33-2068B
T8N R27E S3 NENW L3	Ground Water	Injection - 33-2068A, 33-10997, 33-14944
T9N R27E S33 NWNE	Ground Water	Rediversion - Many water rights

If the POD(s) above are located where water is turned into a canal, lateral or ditch, or if they are located on your property but are serviced by water that is delivered via a canal, lateral or ditch, your rental request must include documented authorization from all relevant canal companies, irrigation districts and/or water delivery entities, confirming that they consent to your diversion of water from their system.

- F. Has documented consent from all relevant water delivery entities been obtained? Yes ☐ N/A ☒

If yes, include documented consent as **Attachment 3F**.

- G. Do any POD(s) identified in Question 3E divert from a water source that may require water modeling? Yes ☐ No ☒

Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.

- H. Has water modeling been provided with your rental request? Yes ☐ N/A ☒

If yes, label modeling Attachment 3 H.

Rental applications that require modeling will be returned if modeling is not provided.

- I. Specify the desired beneficial use of water and the requested season of use or number of acres required:

- ☒ Irrigation 17 (number of acres) Duration: Subject to IDWR standard seasons of use
- ☐ Commercial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Stockwater from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Industrial from: _____ (mm/dd) to: _____ (mm/dd)
- ☐ Other: _____ from: _____ (mm/dd) to: _____ (mm/dd)

- J. For irrigation uses, do you propose to divert water at a rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒

If yes, justify the rate of flow and attach any supporting documents as **Attachment 3J**. Justification may include information on soil composition, conveyance losses, crop type, irrigation systems, public access areas, etc. A rate of 0.03 cfs/acre is permissible for irrigation of 5 acres or less.

- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐

If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it **Attachment 3K**.

- L. List all other water rights and sources of water at the rental place of use for the same purpose, including privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company or any other water delivery entity. Explain why additional water is required:

No other water rights on the proposed acres. Other water rights diverted into the same pivot include 33-33A, 33-32A, 33-35A, 33-2068A, 33-10997, and 33-10119 from ground water, Little Lost River, or Deer Creek.

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STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

If yes, specify below the elements of the water rights you are requesting to rent. If no, continue to Question 4B.

Important Information: Diversion rates and volumes sought for rent must be proportionate to the per acre diversion rates and per acre volume limits of the water right under lease contract to the Water Supply Bank. Prior to completing this section, applicants should review all water right lease contracts and any active rental agreements to determine which elements of a water right are available to satisfy a rental request. Lease and rental documents are searchable via [IDWR's website](#).

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany this rental request. **Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.** For leased rights featuring combined limits, rentals must be consistent with combined diversion rate, volume or acre limits. Combined limits should be listed on a row below water right numbers.

Water Right Elements Leased to Water Supply Bank					Leased totals, minus water right elements involved in active rental agreements, equals water right elements available for rent	Water Supply Bank Rental Request		
Water Right Number (leave blank if sub-total of combined limits)	Nature of Use	Diversion Rate (CFS)	Volume (AF)	Acres (AC)		Diversion Rate (CFS)	Volume (AF)	Acres (AC)
33-7055	Irrigation	0.23	59.5	17		0.23	59.5	17
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre limits of water rights leased to the Water Supply Bank					TOTAL	0.23	59.5	17
						CFS	AF	AC

*Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it **Attachment 4B**:
Rate per acre under this right is sufficient for pivot irrigation.

C. Does your rental request propose to change the nature of use for any water right(s) being rented?

Yes ☐ No ☒

If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented if you have it, as well as the new consumptive use amount for your proposed beneficial use. If space below is insufficient, attach a separate page and label it **Attachment 4C**:

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STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☒ No ☐
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☐ No ☒
If yes, describe:

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒
If yes, describe the date and location of the NOV.

- D. Additional Information

Applicant also owns Pancheri Brothers LLC, the owner of the water right proposed to be rented. If possible, it is requested that the current rental rate be waived except for the administrative fee required by the Water Supply Bank.

DECLARATION

I hereby assert that 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 rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws. I understand that the submission of a rental application provides no guarantee for approval of a rental agreement. I also understand that, per Idaho Code 42-201, it is unlawful to divert or use water without a valid water right and that I am not authorized to utilize water as proposed in this application prior to the execution of an approved rental agreement.

Rod Pancheri
Signature of Applicant

Rod Pancheri
Printed Name of Applicant

11/30/21
Date

Signature of Representative

Printed Name of Representative

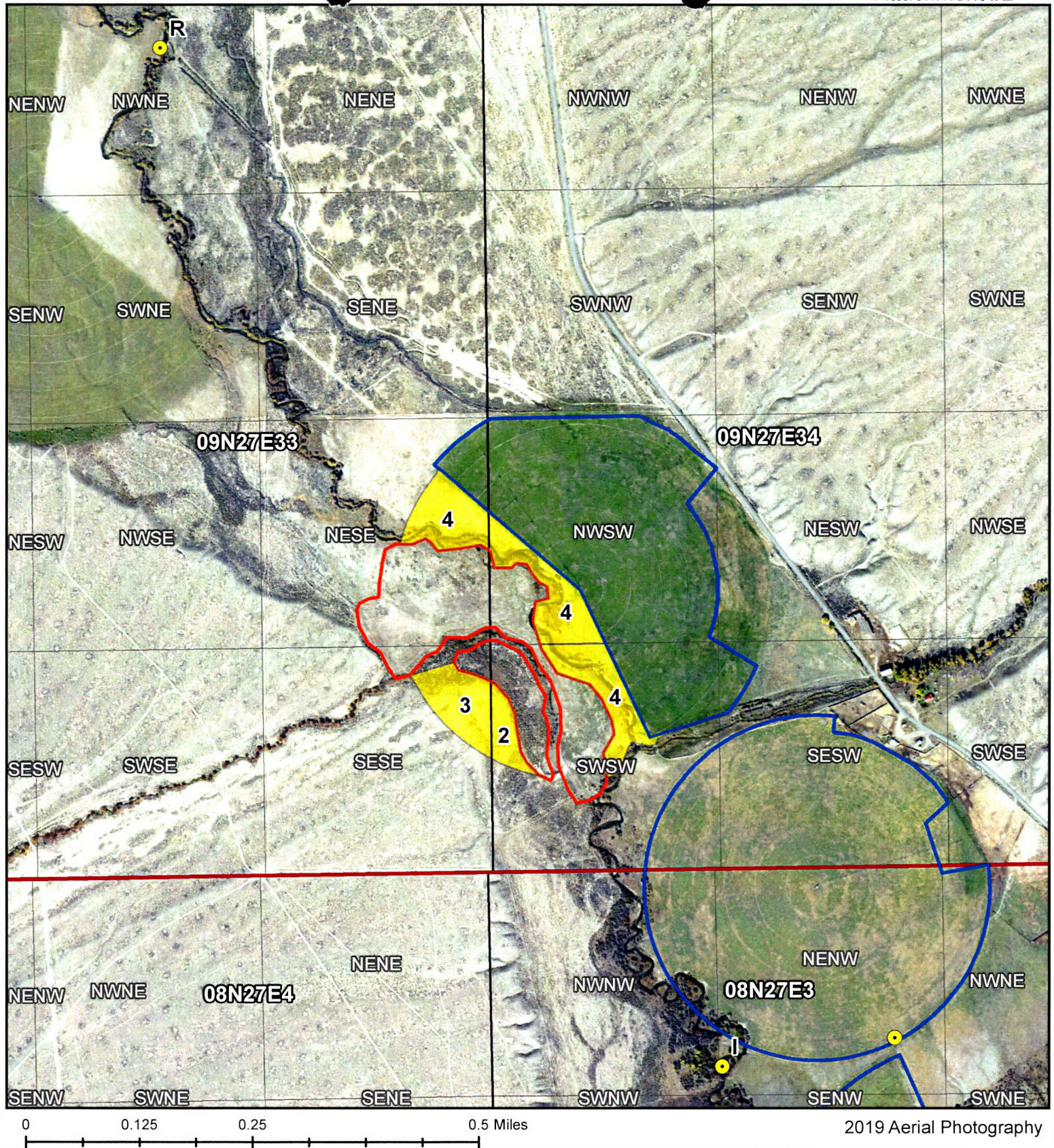
Date

Mail to:

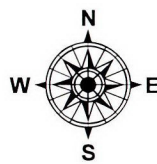
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

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MAR 15 2023



- Proposed Rental POD
- Proposed Rental POU
- WRPOU 33-32A et al
- WRPOU 33-10119 Deer Creek
- Twp & Rng
- Section
- QQ



WSB Rental Application 33-7055

Pancheri Inc.

RMEA #13-0020

by: KM

Date: 11/29/2021



Rocky Mountain ENVIRONMENTAL ASSOCIATES, INC.

MAR 15 2023

WSB Mailing Checklist for Rentals

(For use on all new rental applications)

Key: Who Completes What?

CLERICAL STAFF:

MC

REVIEWER:

SH

Received Date: 12/10/2021

Latest Start Date: 6/01/2022

Renter: Pancheri

Rental Expiration Date

Lease/Rental Package

Y

N

moved to 2023

Application # 2229

Agreement # 654

Water Right	Lease Contract ID
# 33-7055	965
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	
#	

Applicant Authorized?

Y / N

Map of POU and POD

Y / N

POD consent?

Y / N

ESPA Modeling?

Y / N NA

Application Complete?

Y / N

Minimum Checklist in database?

☐

Request for additional information letter sent:

Y NA

WSB Action Request for deficiencies

☐

Comments:

Admin fee only, Pancheri Brothers leased

Mailings (per application)

Renter: Pancheri Inc

Original

CC

Email or Address

Attorney: N/A

☒

☐

rpancheri@gmail.com

Consultants

Name: KRISTIN MOORE - ROCKY Mtn.

☐

☐

kristin.rmea@gmail.com

Conveyance Entity:

Ex. Irrigation Dist. of Canal Co.

☐

☒

(final only)

(Ground) Water Dist:

33 - Little Lost

(final only)

☐

Other:

WD Snake 01, Boise, Payette, and Bear River

(final only)

☐

Region:

Eastern

(final only)

☐

Watermaster:

Dave Andreason

(final only)

☐

Compliance:

(final only)

☐

Resolving NOV? Y / N

#

Call up Date: _____

DO NOT SCAN



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

Director Gary Spackman

March 10, 2023

PANCHERI INC
1494 HWY 33
HOWE ID 83244

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 33-7055, AGREEMENT 684**

Dear Renter:

Please find enclosed a receipt in the amount of **\$136.85** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 59.5 acre-feet of water for irrigation of 17.0 acres during 2023. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or \$136.85** for 2023.

If you have any questions, please contact this office at bank@idwr.idaho.gov or (208) 287-4800.

Sincerely,

Jean Heasley
for Water Supply Bank

Enclosures: Receipt No. C115226
Rental Agreement (copy)

c: Sascha Marston – Fiscal
IDWR Eastern Regional Office
Kristin Moore- Rocky Mountain Environmental

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MAR 15 2023



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

Director Gary Spackman

January 17, 2023

PANCHERI INC
1494 HWY 33
HOWE, ID 83244

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 33-7055, AGREEMENT 684**

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of **\$136.85** was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 59.5 acre-feet. Since you are renting your own water right, **you are only obligated to pay the 10% administrative fee or \$136.85.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$136.85 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing.

If you have any questions, please contact this office at bank@idwr.idaho.gov or (208) 287-4800.

Sincerely,

Amanda Johnson-Veibell

for
Water Supply Bank

Enclosure(s)

c: IDWR Front Desk
Kristin Moore

SCANNED

JAN 15 2023

MEMORANDUM FOR AGREEMENT # 684

To: Water Right No. 33-7055

From: Skyler Cheever – Water Resource Agent

Date: 11/30/2022

Re: Review & Analysis of Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE:

Application 2229 was sent in by Pancheri Inc. and received on December 10th, 2021. The application proposes to rent a right they own water right 33-7055 from lease contract 965.

AUTHORITY TO FILE:

Rod Pancheri signed the application. Mr. Pancheri has the authority to file this agreement because he is currently the Director of the Pancheri Inc. according to the Idaho Secretary of State's Office Database.

INJURY TO OTHER WATER RIGHTS:

There are several other water rights in the suite of rights used at the place of use. The rental will be injected into Little Lost Creek and diverted using the same system Pancheri normally operates. The diversion of comingled water from the Little Lost Creek will not injure existing rights if it does not exceed the amounts authorized by existing rights and this rental. The rights are administered by the water district such that diversion can be limited to amounts injected when the surface water rights are not in priority.

ENLARGEMENT OF USE:

The use of the rental when combined with existing surface water rights and ground water rights will be limited to combined limits plus the rental. The pivot will be operated such that the number of acres can be restricted when the surface water rights are not available and the entire pivot can not be irrigated. Kristen Moore (Representative, Rocky Mtn) asserts Pancheri can operate the pivots so that land owned by BLM outside the 188 acre place of use of existing rights is not irrigated. We have taken their word for it for the purposed of this rental but remain skeptical. Aerial imagery and Landsat images from 2018 and 2022 show irrigation in addition to the 188 acre limit at the pivot site. An email detailing these findings and the representative's response was sent to IDWR's compliance group to investigate.

LOCAL PUBLIC INTEREST:

Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

The rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

The rental point of diversion is within Basin 33. The Eastern Regional Manager was contacted on December 1, 2022. No response was received, it is assumed there is no concern with the rental.

SCANNED

MAR 15 2023

Hummer, Phill

From: Kristin Moore <kristin.rmea@gmail.com>
Sent: Friday, January 6, 2023 3:40 PM
To: Hummer, Phill
Cc: 'R Pancheri'
Subject: RE: Pancheri Inc WSB Rental 2229/684
Attachments: ProposedRentalPOU_amended.dbf; ProposedRentalPOU_amended.prj; ProposedRentalPOU_amended.sbn; ProposedRentalPOU_amended.sbx; ProposedRentalPOU_amended.shp; ProposedRentalPOU_amended.shx; WRPOU_33-32A_IrrigatedAcres.dbf; WRPOU_33-32A_IrrigatedAcres.prj; WRPOU_33-32A_IrrigatedAcres.sbn; WRPOU_33-32A_IrrigatedAcres.sbx; WRPOU_33-32A_IrrigatedAcres.shp; WRPOU_33-32A_IrrigatedAcres.shx; Map_WSBRental_Amended.pdf

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Phil,

The Pancheris made some adjustments to their pivots a couple years ago, including installing some solenoids to shut off irrigation going over the BLM lands. Rod informed me that often times they malfunction due to clogging from the river water and don't turn off when they should. Hopefully the satellite pictures you have access to will show that there are times when they did shut off properly. When I measured all three pivots authorized under the rights, even including the BLM lands, I came up with 188.8 acres. The middle pivot seems to be inconsistent in size, likely due to different reaches of the end gun for whatever reason. But on the 2021 NAIP, that's what I measured. I've attached a copy of the shapefile. When the equipment is functioning properly, there shouldn't be any exceedance of the water right since the pivots will shut off in those segments going over BML lands.

What year photo did you use in your map?

The Deer Creek right is definitely a more junior surface right. I understand your concern about enlargement. We don't have an issue with redrawing the proposed rental POU to be a wedge shape. The only reason we didn't do this to start with is that the Deer Creek right is currently described as it was historically diverted. Under the pivot, it could be applied in a wedge shape, as well, allowing adjustments for availability to be more convenient. But without filing a transfer, we cannot change the Deer Creek right. While that will eventually happen, it's not likely to be completed before this rental can be approved. I've attached a shapefile of the amended rental POU, as well as a map showing the information I've described herein.

Please let me know if we have provided adequate information for you to be able to move forward. If there are still concerns regarding either issue, please let me know.

Thanks,

Kristin Moore

Senior Water Rights Analyst
482 Constitution Way, Ste 303, Idaho Falls, ID 83402
E-Mail: kristin.rmea@gmail.com

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MAR 15 2023



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From: Hummer, Phill [mailto:Phill.Hummer@idwr.idaho.gov]
Sent: Thursday, January 05, 2023 12:11 PM
To: Kristin Moore <kristin.rmea@gmail.com>
Subject: Pancheri Inc WSB Rental 2229/684

Kristin,

After review of the application I have some questions and concerns with the proposal. Firstly, the existing water rights from Little Lost River and ground water authorize a combined 188 acres. Based on the place of use shapes and the map you provided it appears that there are acres irrigated by the three pivots that are not covered by water right authorization. Below is a screen shot of the north and middle pivot, the purple is the place of use boundary, the yellow is an area within the place of use that is likely not irrigated, and the orange are places outside the place of use that are irrigated. The excel sheet in the screen shot shows the calculations. Based on this review, Pancheri irrigates about 9.6 acres outside the place of use. Before a rental can be approved for additional acres can be approved this current use without authorization needs to be addressed.

Additionally, I have concerns about the proposed place of use. Water right 33-10119 authorizes the use of Deer Creek for irrigation of 21.1 acres. The place of use is that portion of the northern pivot not covered by the 188 acre PPU or the rental. Right 33-10119 has a priority date of 1943, which to my understanding is very poor and on average the right is not available for most of the year. The issue is that when this right is not available and the pivot is operating to irrigate more ground, then water under the rental or existing more senior rights would be spread across the rest of the pivot. It doesn't seem possible to irrigate just the proposed place of use with ground water using pivot irrigation system. From a strictly water supply bank point of view, the right being rented would be utilized to irrigate more acres had been historically which is an enlargement of the right. Please provide information demonstrating that an enlargement would not occur if the rental is approved with the proposed place of use.

Alternatively, a rental agreement might be approvable if the place of use conforms with the way pivots operate. For example, if the place of use is a wedge shape such that the pivot can be stopped when 33-10119 is not available and irrigation under the existing rights and the rental would be limited to a more specific portion.

Please let me know how the application wants to address the unauthorized irrigation and the place of use concerns and let me know if you have any questions. Email is by far the best way to reach me.

-Phill

Novak, Shilynn

From: Novak, Shilynn
Sent: Tuesday, November 15, 2022 11:35 AM
To: Kristin Moore; rpancheri@gmail.com
Cc: Bank
Subject: RE: Pancheri Inc - WSB Preferred Action

Good morning Kristin,

Thank you for your response. The start date for this application will be pushed to the 2023 irrigation season. This application may be reassigned so contacting the Bank email (bank@idwr.idaho.gov) with questions or concerns about this rental is a good place to start.

Thank you,

Shilynn Novak

Water Resource Agent, Sr. | Water Rights Section
Idaho Dept. of Water Resources
322 E Front St Ste 648 | Boise ID 83702-7371
IDWR State Office Front Desk: (208) 287-4800

From: Kristin Moore <kristin.rmea@gmail.com>
Sent: Tuesday, November 15, 2022 11:14 AM
To: Novak, Shilynn <Shilynn.Novak@idwr.idaho.gov>; rpancheri@gmail.com
Cc: Bank <Bank@idwr.idaho.gov>
Subject: RE: Pancheri Inc - WSB Preferred Action

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Shilynn,

The Pancheri's did not irrigate the proposed rental place of use in 2022 with ground water. Please begin the rental for the 2023 season.

Thank you,

Kristin Moore
Senior Water Rights Analyst
482 Constitution Way, Ste 303, Idaho Falls, ID 83402
E-Mail: kristin.rmea@gmail.com

SCANNED

MAR 15 2023

VOICE: 208-524-2353, Ext #104 ||| FAX: 208-524-1795



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From: Novak, Shilynn [<mailto:Shilynn.Novak@idwr.idaho.gov>]
Sent: Thursday, November 10, 2022 4:31 PM
To: rpancheri@gmail.com; Kristin Moore <kristin.rmea@gmail.com>
Cc: Bank <Bank@idwr.idaho.gov>
Subject: Pancheri Inc - WSB Preferred Action

Dear Applicant,

The Idaho Department of Water Resources (Department) acknowledges receipt of your application to rent water from the Idaho Water Resource Board's Water Supply Bank (WSB) for the irrigation of 17 acres. (A scanned copy of your application is attached for your convenience.) The application states 6/1/2022 as the latest start date of and requested use for 2 years. Since your application is being processed after the last day of the standard irrigation season, you may request to have your rental application be processed for only the 2023 irrigation season *if* you did not irrigate the rental place of use (POU) in 2022. You may request to have staff continue processing your application for irrigation seasons 2022 and 2023 if you irrigated the rental POU in 2022. The lease for requested water right 33-7055 is set to expire December 31, 2023. Your rental application will be processed promptly if processing is required for 2022 and 2023. You may also choose to withdraw your rental application.

Please respond to this email within 7 days with your preferred course of action so we know how to proceed.

Thank you,

Shilynn Novak

Water Resource Agent, Sr. | Water Rights Section
Idaho Dept. of Water Resources
322 E Front St Ste 648 | Boise ID 83702-7371
Phone: (208) 287-4915