

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: ROSS S ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: REBECCA VICTORIA MAY ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: KIMBERLY DANIELLE ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: JUANITA R ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: RICHARD MATTHEW ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: MATTHEW MCKENZIE ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: COREY K ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: RYAN E ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: JENNIFER DIANE ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: JEREMY RUSSELL SHERMAN
Address: PO BOX 93
HAMMETT ID 83627

2. Source: BENNETT CREEK
GROUNDWATER

Trib. to: SNAKE RIVER

3. Location of Point of Diversion:

NWNW Sec. 15, Township 05S, Range 08E
SWNW Sec. 15, Township 05S, Range 08E
NESW Sec. 15, Township 05S, Range 08E
SESW Sec. 15, Township 05S, Range 08E
ELMORE County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	04/01	10/31	3.200		
IRRIGATION STORAGE	01/01	12/31			190.00
IRRIGATION FROM STORAGE	04/01	10/31			190.00
STOCKWATER STORAGE	01/01	12/31			190.00
COMMERCIAL STORAGE	01/01	12/31			190.00
WILDLIFE STORAGE	01/01	12/31			190.00
RECREATION STORAGE	01/01	12/31			190.00
DIVERSION TO STORAGE	01/01	12/31	3.200		

5. Total quantity to be appropriated is:

3.200 CFS (and/or) AF

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
WELL & PUMP PLUS 2 ONSTREAM DAMS, 1 OFFSTREAM DAM
- Height of storage dam 10 feet; active reservoir capacity 190.00 acre-feet; total reservoir capacity 190.00 acre-feet; period of year when water will be diverted to storage: 1/01 to 12/31 inclusive.
- Proposed well diameter is 12 inches; proposed depth of well is 500 feet.
- Is groundwater with a temperature greater than 85F being sought? NO
- If well is already drilled, when?
Drilling Firm
Well was drilled for

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 year(s).

8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
05S	08E	15	NESW 40	NWSW 40	SWSW 40	160
			SESW 40			160

Total number of acres irrigated: 160

Place of Use: IRRIGATION FROM STORAGE, same as IRRIGATION use

9. a. Who owns the property at the point of diversion?
APPLICANT & BLM
b. Who owns the land to be irrigated or place of use?
BLM
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.
APPLICANT SEEKING DLE

10. Remarks:

Applicant agrees to mitigate consumptive use in the future as needed.

Application split into A & B portions to separate place of use into private and federal ownership. 61-07712B describes the BLM as a place of use.

11. Map of proposed point of diversion and place of use attached? []

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Cory K. Pullano
Applicant 9.3-98

Received by SL Date 7/25/97 Time 4:55 Preliminary check by lg

Fee \$ 180.00 Receipted by SL #W022849 Date 7/25/1997

Publication prepared by SL Date 3/25/98 Published in MH News

Publication approved _____ Date 4-188, 98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: COREY K ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: RYAN E ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: ROSS S ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: REBECCA VICTORIA MAY ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: KIMBERLY DANIELLE ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: JUANITA R ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: RICHARD MATTHEW ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: JENNIFER DIANE ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: JEREMY RUSSELL SHERMAN
Address: PO BOX 93
HAMMETT ID 83627

Name: MATTHEW MCKENZIE ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

2. Source: BENNETT CREEK
GROUNDWATER

Trib. to: SNAKE RIVER

3. Location of Point of Diversion:

NWNW Sec. 15, Township 05S, Range 08E
 SWNW Sec. 15, Township 05S, Range 08E
 NESW Sec. 15, Township 05S, Range 08E
 SESW Sec. 15, Township 05S, Range 08E
 ELMORE County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	04/01	10/31	4.800		
IRRIGATION STORAGE	01/01	12/31			190.00
IRRIGATION FROM STORAGE	04/01	10/31			190.00
STOCKWATER STORAGE	01/01	12/31			190.00
COMMERCIAL STORAGE	01/01	12/31			190.00
WILDLIFE STORAGE	01/01	12/31			190.00
RECREATION STORAGE	01/01	12/31			190.00
DIVERSION TO STORAGE	01/01	12/31	4.800		

5. Total quantity to be appropriated is:

4.800 CFS (and/or) AF

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc.

WELL & PUMP PLUS 2 ONSTREAM DAMS, 1 OFFSTREAM DAM

b. Height of storage dam 10 feet; active reservoir capacity 190.00
 acre-feet; total reservoir capacity 190.00 acre-feet; period of
 year when water will be diverted to storage: 1/01 to 12/31 inclusive.

c. Proposed well diameter is 12 inches; proposed depth of well is 500
 feet.

d. Is groundwater with a temperature greater than 85F being sought? NO

e. If well is already drilled, when?

Drilling Firm

Well was drilled for

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 year(s).

8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
05S	08E	15	NWNW 40	SWNW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	240

Total number of acres irrigated: 240

Place of Use: IRRIGATION FROM STORAGE, same as IRRIGATION use

9. a. Who owns the property at the point of diversion?
APPLICANT AND BLM
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.
APPLICANTS = IN NW 1/4 , BLM = IN SW 1/4 ; WILL OBTAIN BLM USE PERMIT

* 10. Remarks: *Applicant agrees to mitigate consumptive use in the future as needed.*

11. Map of proposed point of diversion and place of use attached? ☒

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Cory L. Quillaro
Applicant

Received by *SL* Date *7/25/97* Time *4:55* Preliminary check by *SL*

Fee \$ *180* Receipted by *SL* # *W022849* Date *7/25/97*

Publication prepared by *SL* Date *3-25-98* Published in *M-H. News*

Publication approved *SL* Date *9-14-98* *4-8-98*

* added to db 3/24/98. *LG*

Comments: Date: 7/25/1997 User-ID: SLESTER

Subject: ADDITIONAL INFORMATION

Appl. initiated in 1995 but not completed and paid for until now. Single well on/near line between NWNW & SWNW. Use of this right to be supplemental to lands irrigated under 61-02011/61-07711 (creek) and 61-07710 (well).

Two on-stream storage sites (@150 af) & additional off-stream site (@40 af) will be served by creek and well water.

Acres in NW 1/4 owned by applicants while SW 1/4 acres owned by federal government (BLM). Special use permit from BLM will be obtained for public land portion.

Commercial = for profit recreation etc. use @ ponds; Recreation is for personal use of same (fishing etc.).

Application held at Region pending processing changes.

Comments: Date: 8/28/1997 User-ID: SLESTER

Subject: ADDITIONAL INFORMATION CONTINUED

Onstream storage sites (2) will each be a dam to back up water along a reach of Bennett Creek. Possibly, another creek P/D may occur at upper end of each pool (perhaps a pump?). Thus, could have a creek P/D at either end of long narrow storage ponds as shown on topo. The offstream storage pond will obtain water that is pumped from integrated creek/well system. This offstream pond is above (east) of railroad tracks.

Applicant submitted appl. for small dam(s) with this water right appl. - but both filings must be held pending processing changes. Need to identify type/number of stock (Corey A. said it's same as listed in SRBA claims - check those first). Also note that P/U for storage will be all QQ's except W 1/2 SW 1/4 instead of same as irrigation. CFS may need to be reduced for acres to extent that well and live flow from creek (see rights i.d. in 7/25/97 Comments) already provide 1"/acre.

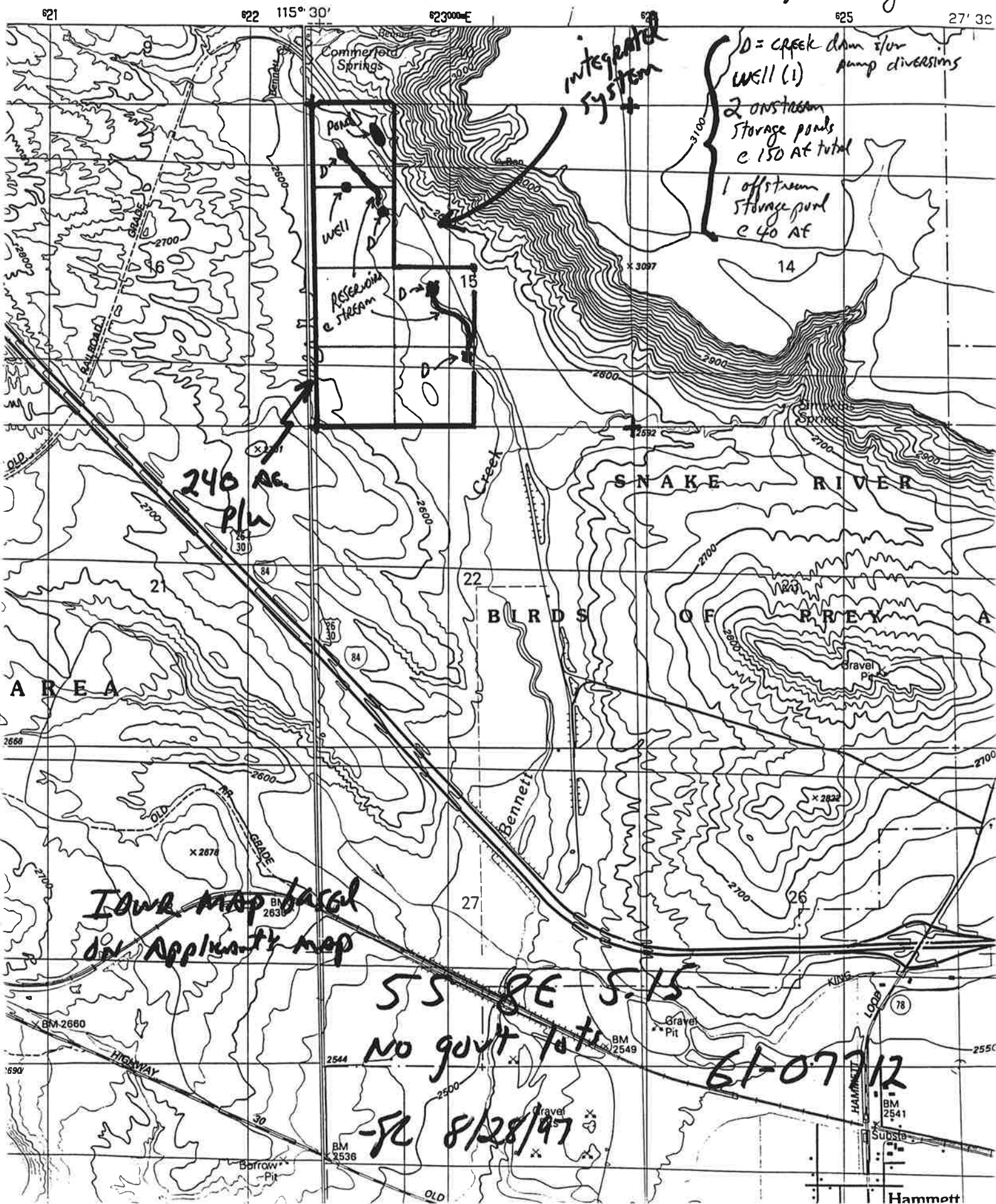
Applicant will also have to provide large diversion info at least to extent that supplemental use requires that response.

Surface and ground water sources to be integrated into 1 common storage and delivery system so everything can be listed in one application.

IDAHO AA14

DEPARTMENT OF THE INTERIOR

α of 2 quadr
split together



4-14

1 RESERVOIR off stream in NE part NW 1/4

2 RESERVOIRS on creek stretch between X's
well on/near QCR

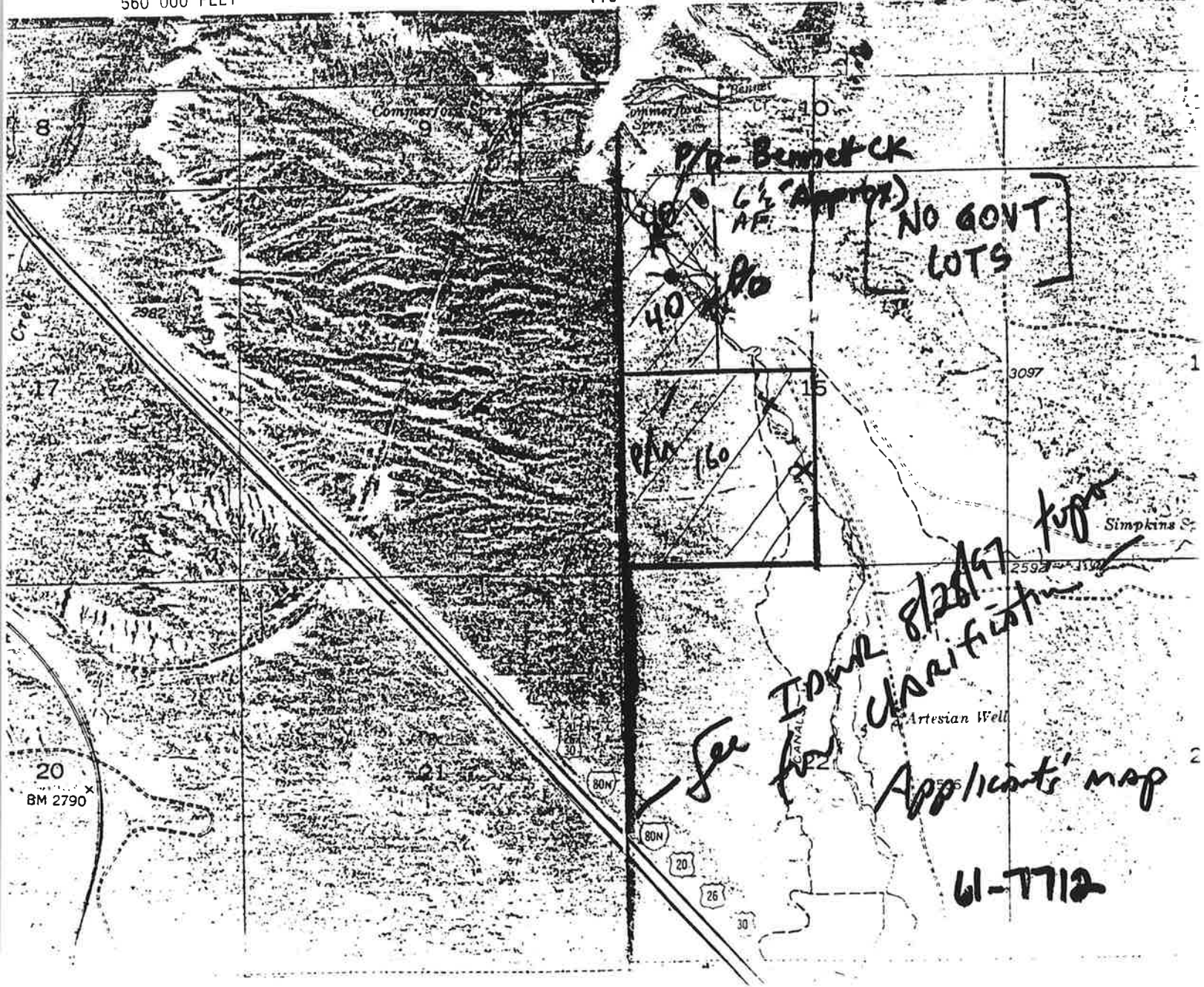
} 1 in W 1/2 NW 1/4 = Appl. pwp
1 in E 1/2 SW 1/4 = SW 1/4 is
Blm
land

OF WATER RESOURCES

UNITED STATES
INDIAN COVE ORTHOPHOTOQUAD DEPARTMENT OF THE INTERIOR
IDAHO GEOLOGICAL SURVEY

560 000 FEET

115°30' 2 P/D 6 23000m.E. 558E



IDAHO DEPARTMENT OF WATER RESOURCES

* Water Application Report 61-7748

WATER RIGHT NUMBER: 61-7748

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROSS S ARELLANO PO BOX 93 HAMMETT, ID 83627-0093 (208)366-2477
Current Owner	RICHARD MATTHEW ARELLANO PO BOX 93 HAMMETT, ID 83627-0093 (208)366-2477
Current Owner	REBECCA VICTORIA MAY ARELLANO PO BOX 93 HAMMETT, ID 83627-0093 (208)366-2477
Current Owner	COREY K ARELLANO PO BOX 93 HAMMETT, ID 83627 (208)366-7998
Current Owner	JENNIFER DIANE ARELLANO PO BOX 93 HAMMETT, ID 83627-0093 (208)366-2477
Current Owner	MATTHEW MC KENZIE ARELLANO PO BOX 93 HAMMETT, ID 83627-0093 (208)366-2477
Current Owner	RYAN E ARELLANO PO BOX 93 HAMMETT, ID 83627-0093 (208)336-2477
Current Owner	KIMBERLY DANIELLE ARELLANO PO BOX 93 HAMMETT, ID 83627-0093 (208)366-2477
Current Owner	JUANITA R ARELLANO PO BOX 93 HAMMETT, ID 83627-0093 (208)366-2477
Current Owner	JEREMY RUSSELL SHERMAN PO BOX 93 HAMMETT, ID 83627-0093 (208)366-2477

ARELLANO

61-7712

Originally split

7712A

7712B

then remembered

7712A → 7712 Approved 1999

7712B → 7748 pending &
Aspin still
(DCE former)* SEE bottom HOLD
drawer & Western

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 61-7748

Priority Date: 07/25/1997

Basis:

Status: Active

SourceBENNETT CREEK
GROUND WATERTributary

SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
WILDLIFE STORAGE	1/01	to 12/31		190.00 AF
STOCKWATER STORAGE	1/01	to 12/31		190.00 AF
DIVERSION TO STORAGE	1/01	to 12/31	3.200 CFS	
IRRIGATION STORAGE	1/01	to 12/31		190.00 AF
IRRIGATION FROM STORAGE	4/01	to 10/31		190.00 AF
COMMERCIAL STORAGE	1/01	to 12/31		190.00 AF
IRRIGATION	4/01	to 10/31	3.200 CFS	
RECREATION STORAGE	1/01	to 12/31		190.00 AF
<u>Total Diversion:</u>			3.200 CFS	

Location of Point(s) of Diversion

BENNETT CREEK	SE1/4SW1/4	Sec. 15, Twp 05S, Rge 08E, B.M.
ELMORE County		
BENNETT CREEK	NE1/4SW1/4	Sec. 15, Twp 05S, Rge 08E, B.M.
ELMORE County		
BENNETT CREEK	NW1/4NW1/4	Sec. 15, Twp 05S, Rge 08E, B.M.
ELMORE County		
BENNETT CREEK	SW1/4NW1/4	Sec. 15, Twp 05S, Rge 08E, B.M.
ELMORE County		
GROUND WATER	NW1/4NW1/4	Sec. 15, Twp 05S, Rge 08E, B.M.
ELMORE County		
GROUND WATER	SW1/4NW1/4	Sec. 15, Twp 05S, Rge 08E, B.M.
ELMORE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
05S	08E	15	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	160.0
											40.0	40.0	40.0	40.0					

Total Acres: 160

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 61-7748

IRRIGATION FROM STORAGE same as IRRIGATIONConditions of Approval:Remarks:

1. General Applicant agrees to mitigate consumptive use in the future as needed.
Application split into A & B portions to separate place of use into private and federal ownership.
61-07712B describes the BLM as a place of use. 61-07712B renumbered to 61-07748.

Comments:

1. slester 7/19/2001 Points of diversion

Comment: Four P/D proposed on Bennett Creek. One well proposed on/near line between NWNW and SWNW.

Dates and Other Information:

Application Received Date: 7/25/1997
Application Denied Date:
Last Date of Beneficial Use:
Extension End Date:
Protest Deadline Date:
Number of Protests: 0
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Application Type: New Appropriation
Applicant Remarks:
Other Water Rights:
Time to Complete Works:
Transfer Affected Description:
Transfer Affected Contracts:
Old Transfer Number:
Transfer Reason:
Transfer Return Flows:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Lester, Steve 

From: Lester, Steve
Sent: Thursday, July 19, 2001 11:32 AM
To: Keen, Shelley
Subject: Applications update to link source and p/d

Shelley:

I completed the database update to link each P/D to a source name per your call. Here are the results:

Successful save in d'base and printing of proof report to confirm:

51-7370

61-7748

77-7354

77-7355

Problem with 79-7100: Repeated attempts all with same result ...

Successful save in d'base of correct sources and correct source/diversion link but proof report shows Race Creek link to all 3 diversions. Data entry screen shows the correct linkage: NESW for Race Creek, NWSW and NWSE for West Fork Race Creek. See attachment for incorrect proof report results.

Maybe someone more skilled in such problems can figure out the problem with 79-7100 proof report contrast to data entry.

Good luck!

Steve



Appl update.doc

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report

WATER RIGHT NO. 61-7748

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JENNIFER DIANE ARELLANO PO BOX 93 HAMETT, ID 83627
Current Owner	COREY K ARELLANO
Current Owner	JUANITA R ARELLANO
Current Owner	KIMBERLY DANIELLE ARELLANO
Current Owner	MATTHEW MCKENZIE ARELLANO
Current Owner	REBECCA VICTORIA MAY ARELLANO
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Current Owner	ROSS S ARELLANO
Current Owner	RYAN E ARELLANO
Current Owner	JEREMY RUSSELL SHERMAN PO BOX 93 HAMMETT, ID 83627

Priority Date: 07/25/1997
Status: Active

<u>Source</u>	<u>Tributary to</u>
BENNETT CREEK	SNAKE RIVER
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	3.2 CFS		
IRRIGATION STORAGE	1/01	12/31		190 AFA	
IRRIGATION FROM STORAGE	4/01	10/31		190 AFA	
STOCKWATER STORAGE	1/01	12/31		190 AFA	
COMMERCIAL STORAGE	1/01	12/31		190 AFA	
WILDLIFE STORAGE	1/01	12/31		190 AFA	
RECREATION STORAGE	1/01	12/31		190 AFA	
DIVERSION TO STORAGE	1/01	12/31	3.2 CFS		
Total Diversion			3.2 CFS		

Location of Point(s) of Diversion:

BENNETT CREEK	NWNW	Sec. 15	Township 05S	Range 08E	ELMORE County
GROUND WATER	NWNW	Sec. 15	Township 05S	Range 08E	ELMORE County
BENNETT CREEK	SWNW	Sec. 15	Township 05S	Range 08E	ELMORE County
GROUND WATER	SWNW	Sec. 15	Township 05S	Range 08E	ELMORE County
BENNETT CREEK	NESW	Sec. 15	Township 05S	Range 08E	ELMORE County
BENNETT CREEK	SESW	Sec. 15	Township 05S	Range 08E	ELMORE County

IRRIGATION Use:
Acre Limit: 160

IRRIGATION STORAGE Use:
Acre Limit: 160

IRRIGATION FROM STORAGE Use:
Acre Limit: 160

*4 creek pld
1 well pld of more line*

Place(s) of use:

Place of Use Legal Description: IRRIGATION

ELMORE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05S	08E	15		NESW	40		NWSW	40		SWSW	40		SESW	40

Place of Use Legal Description: IRRIGATION FROM STORAGE same as IRRIGATION

Total Acres: 160

Remarks:

1. General Applicant agrees to mitigate consumptive use in the future as needed.
Application split into A & B portions to separate place of use into private and federal ownership. 61-07712B describes the BLM as a place of use. 61-07712B renumbered to 61-07748.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
slester	7/19/01	Points of diversion	Four P/D proposed on Bennett Creek. One well proposed on/near line between NWNW and SWNW.

Dates:

Date Application Received: 07/25/1997
Date Application Denied:
Last Date of Beneficial Use:
Extension End Date:
Protest Deadline Date:
Number of Protests: 0
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

Other Information:

Receipt Number(s):
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Application Type: New Appropriation
Applicant Remarks:
Other Water Rights:
Time to Complete Works:
Transfer Affected Description:
Transfer Affected Contracts:
Old Transfer Number:
Transfer Reason:
Transfer Return Flows:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

November 5, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES C TUCKER
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

RECEIVED

NOV 06 1998

WATER RESOURCES
WESTERN REGION

RE: Applications 61-07712, 61-07726, and 61-07748 (Corey Arellano)

Dear Mr. Tucker:

I am responding to your letter dated October 22, 1998, expressing Idaho Power Company's concerns with water appropriation applications 61-07712, 61-07726, and 61-07748. As I understand your letter, because the three applications together propose the irrigation of more than 200 acres, Idaho Power Company wants to be sure that IDWR applies the individual test for evaluating a significant reduction as set forth in IDAPA 37.03.08045.02 (Water Appropriation Rule 45.02.).

The contents of the three applications can be summarized as follows.

- ◆ Application 61-07726 proposes the irrigation of 80 acres in the W½NW¼ of Section 22, T5S, R8E, with water from an existing artesian well. The proposed place of use is privately owned.
- ◆ Application 61-07712 proposes the irrigation of the same 80 acres in the W½NW¼ of Section 22, T5S, R8E. Under this application, water is to be diverted from a new well and from Bennett Creek.
- ◆ Application 61-07748 proposes the irrigation of 160 acres in the SW¼ of Section 15, T5S, R8E, with water from an existing artesian well. The proposed place of use is BLM land. This application is being held while the applicant works to obtain a DLE permit.

IDWR is processing applications 61-07726 and 61-07712 because the applications were not protested and because together they propose the irrigation of 80 acres. As set forth in Water Appropriation Rule 45.02.a., an irrigation proposal of fewer than 200 acres is presumed not to cause a significant reduction of the flow in the Snake River at Murphy.

If the applicant obtains a DLE permit for the additional 160 acres, bringing the entire project over 200 acres, IDWR will apply the criteria for evaluating a significant reduction (Water Appropriation Rule 45.02.c.) when reviewing application 61-07748. I believe this adherence to

James C. Tucker
November 5, 1998
Page 2

the Water Appropriation Rules agrees with your request that "any further processing of #61-07748 proceed in the context of its use in combination with #61-07712."

In your letter you also request that public notice be published again for application 61-07748 if the applicant secures a DLE permit. The content of application 61-07748 was published on April 1, 1998, and April 8, 1998, in accordance with §42-203A, *Idaho Code*. There is no statutory provision for the re-publication of the notice. IDWR will, however, maintain a copy of your letter in the application file and note your expression of concern if the application is processed in the future.

If you have any questions, please contact IDWR at 208-327-7900.

Respectfully,

A handwritten signature in black ink, appearing to read "L. Glen Saxton". The signature is fluid and cursive, with the first name "L." being small and the last name "Saxton" being larger and more prominent.

L. Glen Saxton, Chief
Water Allocation Bureau

SK

C: ✓ IDWR -- Western Region
Gary Spackman
Corey Arrellano (with a copy of James Tucker's 10/22/98 letter)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 3, 1998

TERRANCE M COSTELLO
BUREAU OF LAND MGMT
3948 DEVELOPMENT AVE
BOISE ID 83705-5389

Re: Application for Water Right No. 61-07748

Dear Mr. Costello:

Thank you for your letter dated October 27, 1998, regarding application for permit no. 61-07748, filed by Corey K. Arellano, et al. The application appeared in the new water right listings because it was split from another application, no. 61-07712, that was published in April of 1998. The original application proposed irrigation of both private and BLM lands. The purpose of the split was to separate the proposal for development of BLM lands from the proposed development of private lands. Corey Arellano stated to me that he intends to file a DLE application with BLM. If the DLE application is not diligently pursued by Arellano, the IDWR will act to void application no. 61-07748.

You asked to protest application for water right no. 61-07748. The appearance of the application in the new water rights listings was not a republication of the original notice. Because the application was not protested originally, there is no contested matter before the IDWR. IDWR will not issue a water right permit for irrigation of lands owned by BLM, however, without close coordination through the DLE process.

Sincerely,


Gary Spackman

GS:st

CC: Corey Arelano



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Lower Snake River Ecosystem

Boise District Office

3948 Development Avenue

Boise, Idaho 83705-5389

<http://www.id.blm.gov>

In Reply Refer To:

7240

Gary Spackman
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

OCT 27 1998

Re: Application for Permit No. 61-07748

Dear Mr. Spackman:

The above referenced application by Kimberly Danielle Arellano, et al, for a permit to appropriate the public waters of the State of Idaho recently came to our attention. The application appeared in the September 29, 1998, edition of New Water Right Filings published by IDWR. We wish to call to your attention two fundamental problems with this application.

- (1) The applicants propose to divert groundwater and surface water from four Points of Diversion (POD) located in T. 5 S., R. 8 E., section 15. Two of the POD's specified in the application are on public lands administered by this office. The applicant has not received authorization to construct any water diversions or conveyances on these public lands.
- (2) The applicants propose to use the water for irrigation and irrigation storage, stock water storage, commercial storage, wildlife storage and recreation storage on four places of use (POU) located in T. 5 S., R. 8 E., section 15. All of the POU's specified in the application are public lands administered by this office. The applicants are not authorized to use these public lands.

As of the date of this letter, the applicant has not contacted this office either about obtaining a right-of-way to construct any water diversions or conveyances or to use the public lands for the purposes listed in the application. We hereby protest this application and request that the application either be withdrawn or rejected.

RECEIVED

OCT 28 1998

WATER RESOURCES
WESTERN REGION

RECEIVED

OCT 28 1998

WATER RESOURCES
WESTERN REGION

no money received
AB

If you have any questions regarding this matter, please contact Bob Mallis of this office at 384-3348.

Sincerely,



for Signe Sather-Blair
Bruneau Area Manager

Enclosure

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
61-07748	KIMBERLY DANIELLE ARELLANO	07/25/1997	IRRIGATION	04-01 10-31	3.20 CFS	APPLICATION
	JUANITA R ARELLANO		IRRIGATION STORAGE	01-01 12-31	190.00 AFA	
	RICHARD MATTHEW ARELLANO		IRRIGATION FROM STORAGE	04-01 10-31	190.00 AFA	
	MATTHEW MCKENZIE ARELLANO		STOCKWATER STORAGE	01-01 12-31	190.00 AFA	
	COREY K ARELLANO		COMMERCIAL STORAGE	01-01 12-31	190.00 AFA	
	RYAN E ARELLANO		WILDLIFE STORAGE	01-01 12-31	190.00 AFA	
	ROSS S ARELLANO		RECREATION STORAGE	01-01 12-31	190.00 AFA	
	REBECCA VICTORIA MAY ARELLANO		DIVERSION TO STORAGE	01-01 12-31	3.20 CFS	
	JENNIFER DIANE ARELLANO					
	JEREMY RUSSELL SHERMAN					

3.20 CFS TOTAL

SOURCE: BENNETT CREEK
GROUNDWATER

TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:

T05S R08E S15

NWNW - PVT
SWNW - PVT
NESW - PL
SESW - PL

PLACE OF USE: IRRIGATION

T05S R08E S15

NESW 40.0 - PL NWSW 40.0 - PL SWSW 40.0 - PL SESW 40.0 - PL

160.0 ACRES TOTAL

PLACE OF USE: IRRIGATION FROM STORAGE

SAME AS: IRRIGATION

REMARKS: Applicant agrees to mitigate consumptive use in the future as needed.

PL = public land
PVT = private land

MEMO

To: Files No. 61-07712A and 61-7712B

Re: Purpose of the Split Water Right

Date: September 15, 1998

I have been holding application no. 61-07712 and 61-07726, filed by Corey Arellano et al because the applications together proposed the irrigation of more than 200 acres which triggers a review of both the cumulative and individual impacts pursuant to Swan Falls legislation and rules and regulations. In particular, I was required to analyze the individual impact of this particular diversion through the models of IDWR.

I spoke with Corey Arellano about this process, and he described in better detail the purpose of the applications. Application for permit no. 61-07726 proposes diversion of ground water from an existing artesian well located on BLM property to irrigate 80 acres of land owned by Arellano. Application no. 61-07712 proposes diversion of ground water from a new well and diversion of natural flow and stored water from Bennett Creek for irrigation of 240 acres. The 80 acres in the W ½ of the NW¼ of Sec. 15, T05S, R08E are also described as a place of use by application no. 61-07712. In addition, application no. 61-07712 proposes irrigation of 160 acres located in the SW ¼ of Sec. 15, T05S, R08E that are owned by BLM.

Arellano proposes to seek a desert land entry (DLE) from BLM, but the application has not yet been filed. I told Arellano that we do not approve a water right prior to an analysis by BLM. After discussing the facts, Arellano and I agreed that he should split water right no. 61-07712 into an A and B portion. Arellano signed two separate application forms, numbered 61-00712A and 61-07712B.

Application no. 61-07712A and application no. 61-00726 can be processed immediately because the proposed place of use is owned by Arellano. Application no. 61-07712B should be held in the regional office until further information about the DLE is submitted. The split of the water right also allows us to process the applications without the individual review because the Swan Falls analysis is not required for 80 acres of irrigation.

When application no 61-07712B is reviewed, it must be analyzed against the individual criteria since the entire project exceeds 200 acres.

ER-DEPARTMENT MEMO--1

FROM

TO

SUBJECT

By (Phone # not listed)
TO Gary
SUBJECT Corey

DATE

9/2/98

" called today asking about applications. After reviewing 61-7712 with him, he disagreed with the comments, He wants to make an appointment to review possibly around 61-7712 with you before forwarding to SO. Plg ^{write you} tell him

SIGNATURE

(Did not leave #)

Elmore County Board of Commissioners

Phone (208) 587-2129

ELMORE COUNTY COURTHOUSE
150 South 4th East
Mountain Home, Idaho 83647

Fax (208) 587-2159

Don Reynolds
587-6768

Larry Rose
366-2226

Barry Peterson
587-3351

May 16, 1998

RECEIVED

Idaho Department o Water Resources
Lori Graves

Sr. Water Resource Agent

MAY 20 1998

WATER RESOURCES
WESTERN REGION

RE: Comment on application for permit #61-07712

Dear Ms. Graves:

This is to follow up to our phone conversation earlier.

The Elmore County Commissioners are not engineers and have no idea as to the effect of the construction and operation of Mr. Arellano's proposal on the local area. We feel it is the responsibility of the Department of Water resources to determine that.

Sincerely,



Larry E. Rose
Elmore County Commissioner



IDAHO FISH & GAME

Magic Valley Region
868 East Main • P.O. Box 428
Jerome, Idaho 83338
(208) 324-4350
Fax (208) 324-1160

Gene Gib
Lori
for your file

Philip E. Batt/Governor
Stephen P. Mealey/Director

April 27, 1998

Mr. Gene Gibson
Idaho Dept. Of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

APR 30 1998

WATER RESOURCES
WESTERN REGION

RE: Water Right Application for Permit #61-07712 - (Arellano - Bennett Creek)

Dear Gene,

Here are the pictures from our April 14, 1998 site visit. You may be surprised to know that the lands identified in the application have been irrigated in the past, signs of previous diversion dams exist, and the pump identified in the application is still in place from last year (then again, you may not be surprised). You might want to share these with Lori, as well.

Sincerely,

David Parrish
Natural Resources Biologist



IDAHO FISH & GAME

Magic Valley Region
868 East Main • P.O. Box 428
Jerome, Idaho 83338
(208) 324-4350
Fax (208) 324-1160

RECEIVED

APR 21 1998

WATER RESOURCES
WESTERN REGION

Philip E. Batt/Governor
Stephen P. Mealey/Director

April 17, 1998

Ms. Lori Graves
Idaho Dept. Of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RE: Water Right Application for Permit #61-07712 - (Arellano - Bennett Creek)

Dear Lori,

On April 14, 1998, we visited the site of the proposed diversion structures for Mr. Corey Arellano to divert 4.8 cfs. of flood-flow from Bennett Creek, a tributary to the Snake River. Please consider the following comments in your evaluation of this application.

Bennett Creek, at Mr. Arellano's points of diversion has been heavily degraded due to channel confinement and straightening, loss of riparian vegetation, loss of floodplain, upstream diversion of the stream, and encroachment into the stream corridor for agricultural use. During the April 14 visit, the only observable surface water was behind earthen dams pushed-up in the creek bed to supply stockwater. Pictures will be supplied at a later date. There was no sign of a viable fishery with the reach.

If this application is approved by your agency, we would like to recommend the following conditions be attached:

1. Dams should be constructed of sound, non-erosive material with adequate spillway capacity to prevent failure of the diversion structure during high-flow. This will minimize further water quality/fish habitat degradation downstream of the diversion structures.
2. In the event that water quality and flow conditions improve to the point that a native fishery is re-established in the reach, we would like to reserve the right to require fish passage facilities on these diversions. Redband rainbow trout, a native salmonid which could potentially be listed under the federal Endangered Species Act, have been documented in the upper reaches of the drainage. We need to keep all options open for reclaiming lost habitats in the event of special status for this specie.

In summary, Mr. Arellano's proposed impoundments could have some benefits for local waterfowl and reptile/amphibian communities. Wildlife values could be further improved if the applicant chooses to re-establish native riparian vegetation along the perimeter of the pond.

If approval is granted for this request please notify our agency so we can contact the applicant regarding methods and funding sources for doing fish and wildlife habitat enhancement work.

Thank you for the opportunity to review and provide comment to your agency on this application. If you have additional questions for our agency please contact Dave Parrish, Natural Resource Biologist at this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl H. Nellis". The signature is fluid and cursive, with the first name "Carl" being more prominent.

Carl H. Nellis
Magic Valley Regional Supervisor

cc: IDFG-NRPB (Robertson)
IDFG-Partridge
IDFG-Collum
Corey Arellano

BENNETT CREEK
MAY 10 1910



RECEIVED

MAY 06 1998

WATER RESOURCES
WESTERN REGION

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

61-07712

ARELLANO, COREY K; ARELLANO, RYAN E; ARELLANO, ROSS S;
ARELLANO, REBECCA VICTORIA MAY; ARELLANO, KIMBERLY DANIELLE;
ARELLANO, JUANITA R; ARELLANO, RICHARD MATTHEW; ARELLANO,
JENNIFER DIANE; ARELLANO, MATTHEW MCKENZIE, SHERMAN, JEREMY
RUSSELL
P.O. BOX 93
HAMMETT, ID 83627
Source: BENNETT CREEK
Source: GROUNDWATER
Diversion Pt:

Tributary: SNAKE RIVER
Tributary:

NWNW Sec 15 T 05S R 08E in ELMORE County.
SWNW Sec 15 T 05S R 08E in ELMORE County.
NESW Sec 15 T 05S R 08E in ELMORE County.
SESW Sec 15 T 05S R 08E in ELMORE County.

Use: IRRIGATION STORAGE (190.00 AF)
IRRIGATION FROM STORAGE (190.00 AF)
DIVERSION TO STORAGE (4.800 CFS)
IRRIGATION (4.800 CFS)
COMMERCIAL STORAGE (190.00 AF)
RECREATION STORAGE (190.00 AF)
STOCKWATER STORAGE (190.00 AF)
WILDLIFE STORAGE (190.00 AF)

Total Diversion: (4.800 CFS)

Date Filed: 7/25/1997

In: ELMORE County

T05S R08E S15

NWNW

SWNW

NESW

NWSW

240.0 ACRES TOTAL

Application agrees to mitigate consumptive use in the future as needed.

61-07726

ARELLANO, JUANITA; ARELLANO, COREY; ARELLANO, ROSS S; ARELLANO,
RICHARD; ARELLANO, KIMBERLY DANIELLE; ARELLANO, RYAN E; AREL-
LANO, REBECCA VICTORIA MAY

BOX 93

HAMMETT, ID 83627

Source: GROUNDWATER

Diversion Pt:

Use: IRRIGATION

STOCKWATER

DOMESTIC

SWNE Sec 22 T 05S R 08E in ELMORE County.

(1.600 CFS)

(0.050 CFS)

(0.080 CFS)

(1.730 CFS)

Total Diversion:

Date Filed: 12/5/1996

In: ELMORE County

T05S R08E S15

NWNW

SWNW

80.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed for exist-
ing artesian well on public land:

61-07738

TINDALL, CHESTER J

550 N 8 E

MOUNTAIN HOME, ID 83647

Source: WASTE WATER

Tributary: MOUNTAIN HOME IRRIGATION D

Diversion Pt: LOT 2 (NWNE) SEC 2 T 03S R 06E in ELMORE County.

Use: IRRIGATION

(0.760 CFS)

Total Diversion:

(0.760 CFS)

Date Filed: 9/15/1997

In: ELMORE County

T02S R06E S35

NESE

SESE

T03S R06E S02

Lot 1 (NENE)

Lot 2 (NWNE)

38.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed.

The permits will be subject to all prior water rights. Protests may be submitted
based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest cri-
teria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of
Water Resources, 2735 Airport Way, Boise, Idaho 83705 on or before APRIL 20,
1998.

KARL J. DREHER, Director

First publication April 1, 1998.

Last publication April 8, 1998.

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Coleen W. Swenson, do solemnly swear that I
am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, pub-
lished once a week at MOUNTAIN HOME, IDAHO,
that the notice attached hereto and which is a part
of publication thereof; was published in said news-
paper for

2 consecutive weeks, the first publi-
cation having been made on 1st day of

April, 1998, and the last publi-

cation having been made on the 8th day of

April, 1998; every Wednesday

issue of the paper during the period and time of
publication and that the notice was published in the
newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN
HOME NEWS has been continuously and uninter-
ruptedly published in said Elmore County during a
period of 78 consecutive weeks prior to the first
publication of the attached notice.

Subscribed and sworn to me this 8th day of

April, 1998

Cynthia A. Swenson
Notary Public

Residing in Mountain Home, Elmore County, Idaho. My
commission expires 09-09-2002.

61-07712

ARELLANO, COREY K
ARELLANO, RYAN E
ARELLANO, ROSS S
ARELLANO, REBECCA VICTORIA MAY
ARELLANO, KIMBERLY DANIELLE
ARELLANO, JUANITA R
ARELLANO, RICHARD MATTHEW
ARELLANO, JENNIFER DIANE
ARELLANO, MATTHEW MCKENZIE
SHERMAN, JEREMY RUSSELL
PO BOX 93
HAMMETT, ID 83627

Source: BENNETT CREEK
Source: GROUNDWATER

Tributary: SNAKE RIVER
Tributary:

Diversion Pt:	NWNW	Sec 15 T 05S R 08E	in ELMORE County.
	SWNW	Sec 15 T 05S R 08E	in ELMORE County.
	NESW	Sec 15 T 05S R 08E	in ELMORE County.
	SESW	Sec 15 T 05S R 08E	in ELMORE County.

Use: IRRIGATION STORAGE	(190.00 AF)
IRRIGATION FROM STORAGE	(190.00 AF)
DIVERSION TO STORAGE	(4.800 CFS)
IRRIGATION	(4.800 CFS)
COMMERCIAL STORAGE	(190.00 AF)
RECREATION STORAGE	(190.00 AF)
STOCKWATER STORAGE	(190.00 AF)
WILDLIFE STORAGE	(190.00 AF)
Total Diversion:	(4.800 CFS)

Date Filed: 7/25/1997

In: ELMORE County				
T05S R08E S15	NWNW	SWNW	NESW	NWSW
	SWSW	SESW		

240.0 ACRES TOTAL

Applicant agrees to mitigate connsumptive use in the future as needed.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

March 27, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

HOWARD RIGGS
PO BOX 1161
MTN HOME ID 83647

Re: Application for Permit No. 61-07712 in the Name of Corey Arellano etal

Dear Sir:

Enclosed is a copy of the above-referenced application for permit within your district.
Also, enclosed is a form for your recommendation concerning this application for permit.

Please review the application and submit any comments you might have within two weeks.
If you have any questions or need information, feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:st

Encl.

COMMENTS FROM STREAM CHANNEL PROTECTION PROGRAM

FROM: Gene Gibson

DATE: March 24, 1998

FILE: 61-07712

THIS PERMIT DOES NOT RELIEVE THE APPLICANT OF THE RESPONSIBILITY TO OBTAIN A SEPARATE PERMIT FROM THE U.S. ARMY CORPS OF ENGINEERS BEFORE STARTING THIS PROJECT. YOU SHOULD CONTACT THEIR OFFICE AT (208) 343-0671 TO OBTAIN ADDITIONAL INFORMATION ON PERMITTING REQUIREMENTS THAT MAY BE NEEDED FOR THIS PROJECT. A COPY OF THIS PERMIT HAS BEEN PROVIDED TO THE CORPS FOR THEIR REVIEW.

Rock used for the spillway shall be sound, dense, well graded, angular rock free of fines and of a sufficient size to withstand the expected velocities within the spillway during ordinary high water to ensure erosion protection.

All construction activities shall be conducted in such a manner as to minimize turbidity and other water quality impacts.

Fuel, oil, and other hazardous materials shall be stored, and equipment refueled away from the stream in a centralized location that is constructed and maintained with underliners, to ensure that a spill cannot enter surface and/or ground waters.

From: DWR80::LGRAVES
To: DWR80::GGIBSON
CC:
Subj: 61-07712

24-MAR-1998 09:04:16.01

Hi Gene, please comment on appl 61-07712 just submitted for advertising.
There is a comment letter from the Corps dated 12/30/96 in the folder that
involves stream channel issues. Thanks Gene. lg

COMMENTS FROM STREAM CHANNEL PROTECTION PROGRAM

FROM: Gene Gibson

DATE: March 24, 1998

FILE: 61-07712

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

March 23, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

COREY K ARELLANO
PO BOX 93
HAMMETT ID 83627

RE: Application for Permit #61-07712 Large Diversion Requirements

Dear Corey:

Application for permit #61-07712 was received 07/25/1997 and will be advertised and processed but cannot be approved until additional information is submitted.

Pursuant to Idaho Code 42-203A(5)(a-e) and 42-203C(2), additional information is needed for applications for permit involving irrigation of more than 200 acres. Required information related to the proposed water right, as outlined in the attached copy of Water Appropriation Rules 37.03.08.05.c through g, covers several items, however you need only to address item g, regarding the Local Public Interest Criteria. This item can be satisfied by soliciting a comment letters from the Elmore County Commissioners and the Idaho Department of Fish & Game. Comments need to address the effect of the construction and operation of your proposal within the local area.

To avoid further delays, please submit the above information as soon as possible to our Western Region office, at the above address.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Lori Graves'.

Lori Graves
Sr. Water Resource Agent

Encl: Appropriation Rules 37.03.08.05.c through g



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

March 3, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

COREY ARELLANO
BOX 93
HAMMETT ID 83627

RE: APPLICATION NOS. 61-07712 AND 61-07726

Dear Corey:

Your "response form" for Application No. 61-07712 was received yesterday. Processing of this application for the proposed storage project will be delayed for about six to eight weeks pending reduction of the backlog of applications for which mitigation is applicable. This filing is approximately in the middle of the stack of backlogged filings to be processed.

A letter was sent to you at the Nevada address on February 5, 1998 for Application no. 61-07726, a ground water filing. That letter was returned as undeliverable at the Nevada address. I have enclosed that letter today. This application has a 1996 priority date, which puts it at the head of the backlog list. It can be processed right away if you submit the completed response form.

Both applications will be updated to show your Hammett address instead of the Nevada one. Please include a local telephone number, if applicable, in your reply to today's letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lester'.

Steve Lester
Water Rights Supervisor

Enclosure

7-25-97

RESPONSE FORM

RECEIVED

MAR 02 1998

WATER RESOURCES
WESTERN REGION

COMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED

Name of Applicant

COREY K. ARELLANO ET AL

Mailing Address

Box 95 Hammett Idaho

83627

Application No.

61-07712

Mitigation

Yes, I agree to accept a condition of approval on my application that will require mitigation related to fishery resources based upon a finding by the Director, Idaho Dept. of Water Resources. I understand that mitigation is not needed now but may be needed in the future. I also understand that the Director will not invoke this condition until I have an opportunity to participate in the process by which mitigation is identified and quantified.

Signature

Corey K. Arellano

Date

2-26-98

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

MAR 02 1998

WATER RESOURCES
WESTERN REGION

Steve

Please Put ALL my Kids
Names on this Water Right also
my Wife.

Thanks

Corey ARELLANO

2-26-98

3:30 p.m.

COREY K. ARELLANO

Juanita R. ARELLANO

Ryan E. ARELLANO

ROSS S. ARELLANO

Rebecca U. M. ARELLANO

Kimberly D. ARELLANO

Richard M. ARELLANO

MATTHEW M. ARELLANO

Jennifer D. ARELLANO



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

January 29, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

COREY K ARELLANO
PO BOX 93
HAMMETT ID 83627

RE: APPLICATION FOR PERMIT NO. 61-07712

Dear Mr. Arellano:

I received your letter dated January 26, 1998 in which you identified conditions under which you will allow water to be released from your proposed dam included in the above referenced water right application.

While I understand your point of view regarding mitigation, it is not possible for the department to process a new water right under your terms with respect to the mitigation issue. However, if you complete and return the enclosed "response form", your application will be processed. Otherwise, this office will continue to hold your application until new circumstances develop.

Also, do you want the application to list your Hammett address or the Nevada address? If the former, do you have a local telephone number?

Please contact me if you have any questions about your application.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

January 26, 1998

Department of Water Resources

Boise, ID

ATTN: Steve Lester *SL*

Dear Water Resources:

Per conversations with your office earlier, I will allow water to be released from my dam, located in Bennett Creek, under these conditions:

1. Adequate water for farming
2. Adequate water for fish, which I will be raising
3. I will be compensated for the crop loss or fish loss
4. I will be compensated for the water, which is turned out from gate(s), unless there is excess water

If you have further questions or need more information, please contact me.

Sincerely,

Corey K. Arellano.

Corey K. Arellano
PO Box 93
Hammett, Id 83627

*Don't send
2/4/98 letter
since response
from ID
person
-1/30/98
SL*

RECEIVED

JAN 28 1998

WATER RESOURCES
WESTERN REGION

61-07712



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

✓
Sent per
Corey A's tele
Request

DATE: 1/7/98

TO: Mr. Perce Hall

FROM: Steve Lester

fax 208-587-3144

DOCUMENT DESCRIPTION:

Mitigation proposed language (draft letter)
for AREllam appl. # 61-07712.
We can process if applicant agrees in writing to
have a condition of approval & mitigation

TOTAL PAGES SENT: 4 + COVER SHEET

CONTACT:

Takes e 2 months to obtain approval if
Application is not protested.

CAN use response form (draft) or can send
letter agreeing to this if want this office to
process the Application.

[Signature]

DRAFT

date

DISTRIBUTION: Applicants whose water right applications were held without action pending fishery resources issues.

Dear Applicant:

You filed an application for permit to develop a water right that includes irrigation (see attached profile report). This office was not been able to process such applications in your area until some water supply issues related to fishery resources were resolved.

A method to address these issues now exists. Applications that include consumptive use can be processed if applicants are willing to accept a condition of approval that can require mitigation at a later date if the need for mitigation is clearly documented. Mitigation can include steps such as purchasing storage water to offset adverse impacts to fishery resources that new water developments might cause.

Enclosed is a response form to be completed and returned if you want your application to be processed. To the extent possible given other factors, applications will be processed in the order in which they were filed.

Also enclosed is a withdrawal form. If you no longer have an interest in obtaining the water right outlined in your filing, please complete and return this form. You will receive a refund for the filing fee associated with the application.

Delays in processing due to department considerations such as those discussed in this letter do not affect the priority date of your application. Please contact this office at 334-2190 if you have any questions about your application.

Sincerely,

Western Region Staff

Enclosures: Profile Report, Response Form and Withdrawal Form

RESPONSE FORM

COMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED

DRAFT

Name of Applicant

Mailing Address

Application No.

Mitigation

Yes, I agree to accept a condition of approval on my application that will require mitigation related to fishery resources based upon a finding by the Director, Idaho Dept. of Water Resources. I understand that mitigation is not needed now but may be needed in the future. I also understand that the Director will not invoke this condition until I have an opportunity to participate in the process by which mitigation is identified and quantified.

Signature

Date

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

WR5809NP
No. 61-07712

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/07/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	COREY K ARELLANO	07/25/1997	IRRIGATION	04/01 10/31	4.800 CFS	
C	RYAN E ARELLANO		IRRIGATION STORAGE	01/01 12/31		190.00 AFA
C	ROSS S ARELLANO		IRRIGATION FROM STORAGE	04/01 10/31		190.00 AFA
C	REBECCA VICTORIA MAY ARELLANO		STOCKWATER STORAGE	01/01 12/31		190.00 AFA
C	KIMBERLY DANIELLE ARELLANO		COMMERCIAL STORAGE	01/01 12/31		190.00 AFA
C	JUANITA R ARELLANO		WILDLIFE STORAGE	01/01 12/31		190.00 AFA
C	RICHARD MATTHEW ARELLANO		RECREATION STORAGE	01/01 12/31		190.00 AFA
C	JENNIFER DIANE ARELLANO		DIVERSION TO STORAGE	01/01 12/31	4.800 CFS	
C	JEREMY RUSSELL SHERMAN					
C	MATTHEW MCKENZIE ARELLANO			TOTAL DIVERSION:	4.800 CFS	

Water Source: BENNETT CREEK
GROUNDWATER

Tributary to: SNAKE RIVER

Stage: APPLICATION

Point(s) of Diversion: T05S R08E S15 NWNW SNW NESW SESW ELMORE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE													
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac			
05S	08E	15	:					:		40	40		:		40	40	40	40	:					:	240.0
																							TOTAL ACRES		240.0

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

Pou County: ELMORE

Dates: App. Received: 07/25/1997 Priority Date: 07/25/1997
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 07/25/1997 User-ID: SLESTER Subject: ADDITIONAL INFORMATION

Appl. initiated in 1995 but not completed and paid for until now.
Single well on/near line between NWNW & SWNW. Use of this right
to be supplemental to lands irrigated under 61-02011/61-07711
(creek) and 61-07710 (well).

Two on-stream storage sites (@150 af) & additional off-stream
site (@40 af) will be served by creek and well water.

Acres in NW 1/4 owned by applicants while SW 1/4 acres owned by
federal government (BLM). Special use permit from BLM will be
obtained for public land portion.

Commercial = for profit recreation etc. use @ ponds; Recreation
is for personal use of same (fishing etc.).

Application held at Region pending processing changes.

Date: 08/28/1997 User-ID: SLESTER Subject: ADDITIONAL INFORMATION CONTINUED

Onstream storage sites (2) will each be a dam to back up water
along a reach of Bennett Creek. Possibly, another creek P/D may
occur at upper end of each pool (perhaps a pump?). Thus, could
have a creek P/D at either end of long narrow storage ponds as
shown on topo. The offstream storage pond will obtain water that
is pumped from integrated creek/well system. This offstream pond
is above (east) of railroad tracks.

Applicant submitted appl. for small dam(s) with this water right
appl. - but both filings must be held pending processing changes.
Need to identify type/number of stock (Corey A. said it's same as
listed in SRBA claims - check those first). Also note that P/U
for storage will be all QQ's except W 1/2 SW 1/4 instead of same
as irrigation. CFS may need to be reduced for acres to extent
that well and live flow from creek (see rights i.d. in 7/25/97
Comments) already provide 1"/acre.

Applicant will also have to provide large diversion info at least
to extent that supplemental use requires that response.

Surface and ground water sources to be integrated into 1 common
storage and delivery system so everything can be listed in one
application.

Audit: 11/14/95 CHODGES 05/14/96 CZIMMERM 07/22/96 CZIMMERM 12/13/96 SLESTER

APPLICATION WORKSHEET FOR "ADVERTISING DELAY"

APP. NO.

61-07712

NAME

Arrellano

DATE

9-23-97

T FLAG USED IN DATA ENTRY

✓

APPS.LIS UPDATED TO SHOW
FILE IN "ADV DELAY"
IN HOLD DRAWER

APPL. FOLDER PREPARED AND
BAR CODE ENTRY COMPLETED

FILE IN "ADV DELAY" IN
HOLD DRAWER

4/83

Related Water
Permit No. 61-97712fee = \$1 / acre-footSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

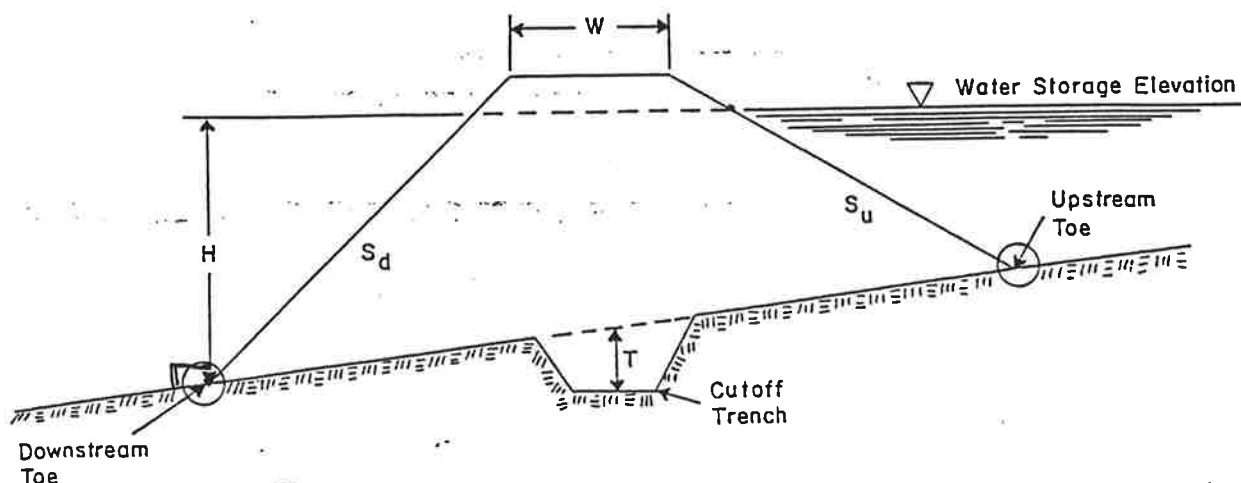
APPLICATION FOR CONSTRUCTION OF SMALL DAM

As required for construction or alteration of a dam 20 feet or less in height
and capable of storing less than 100 acre-feet of water.

- Name of Owner (print or type): Coney K Arellano Phone No. 702-635-90
Post Office Address: 201 Legion Dr 20100 - 1 Bottle Mtn. War. 99820 And
Box 93 Hammett, ID. 83627
 - Application for: ☒ Construction of new dam, ☐ Reconstruction, Alteration of existing dam.
 - Location: NW 1/4, NW 1/4, Section 15, Township 5, Range 8,
21 more County.
 - Source of Water Bennett Creek And tributary to SNAKE River Drainage
(Name, Unnamed Stream, Other-describe) (Stream Name)
 - Drainage Area: 80 acres, above the site of the dam.
(Approximate)
 - Downstream Development Agriculture 2 1/2 miles away
Describe land use below site of dam, indicate approximate distances to buildings or development, roads, etc.
Flat 2 1/2 mile to closest building which are approximately
80 Ft above creek. One House 1/4 mile from creek.
Irrigation
- NOTE: If the small dam is (to be) located in or immediately above a high risk area (urban, concentrated development, or in proximity to a habitable dwelling, that could be adversely affected by a release from the dam) this application shall be accompanied by plans and specifications prepared by a registered engineer.
- Reservoir: Surface area 5 acres; Storage Capacity 49 acre-feet.
 - Reservoir Storage Purpose: Irrigation Stockwater Recreation Dams
Agriculture (Irrigation, Stockwater, Recreation, Other-describe)

DETAILS OF DAM AND APPURTENANT STRUCTURES

Type of dam (embankment, other, describe) EARTH



Hydraulic Height (H) 8 feet. If dam is being raised, indicate increase in height feet.

Crest Length 10 feet. Crest (top of dam) Width (W) 80 feet.

Downstream Slope (S_d) 2%; Upstream Slope (S_u) 2%.

Depth of Cutoff Trench (T) feet.

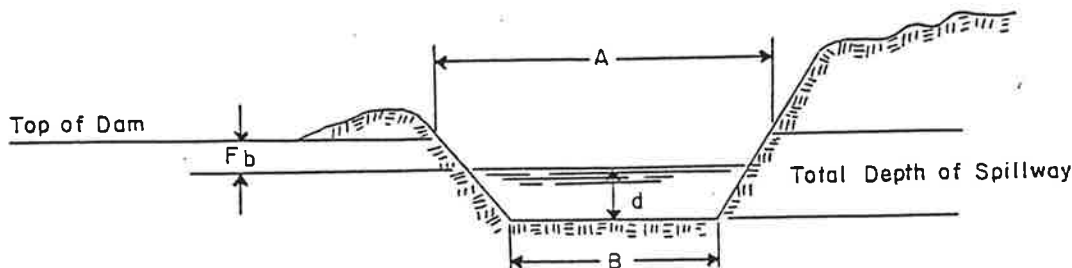
OUTLET ; ; Maximum Release Rate cfs.
(Size) (Type) (under full reservoir head)

Size and number of anti-seep collars
(also indicate spacing of collars along outlet)

SPILLWAY

☐ Service (auxiliary) Spillway, describe

☐ Emergency Spillway, Located at: ☐ left, ☐ right abutment, ☐ other location.



Total Depth of Spillway (below top of dam) ~~50~~ 12 in feet.

Spillway: Bottom width (B) 10 feet; Top Width (A) 10 feet.

Discharge Capacity of Spillway cfs at spillway flow depth (d) 12 inches feet

Freeboard (F_b) 2 feet (total depth of spillway minus the spillway flow depth).

Spillway Channel Lining Riprap
(Rock Cut, Rock Riprap, Other-describe)

CONSTRUCTION SCHEDULE

Proposed date for start of construction _____

May 1, 1997
(Date)

[Signature]
Applicant's Signature

FOR DEPARTMENT USE ONLY

no fee paid

Date application received 7/25/97

By JL

Fee \$ _____

Date receipted _____

Receipted by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

In accordance with the provisions of Title 42, Chapter 17, Idaho Code, and the Department's Rules and Regulations for Safety of Dams, the application for construction of _____ Dam is hereby approved, subject to the following conditions:

1. This action does not constitute the required authority to appropriate water under Idaho Water Law.
2. The applicant shall notify the Department at the following times and at such other times deemed necessary, to conduct inspections.
 - a. After clearing and excavation of the foundation area, and prior to placing fill material.
 - b. After installation of the outlet conduit, and before placing any backfill material around the conduit.
 - c. After construction is complete and before any water is stored in the reservoir.
3. Approval of the application for construction of the dam shall not be construed to grant the applicant other authorization required to proceed. It is the responsibility of the applicant (dam owner) to secure all lands, easements, and rights-of-way; water rights; or the approval of other regulatory agencies, prior to commencing to construct the dam or to store water in the reservoir area.
4. In the event the owner fails to pursue actual construction and maintain reasonable progress on construction of the dam, in conformance with this approval, the Director may revoke the approval one year after such approval.
5. Additional Conditions:

Witness my hand this _____ day of _____, 19____.



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
LUCKY PEAK PROJECT OFFICE
HC-33 BOX 1020
BOISE, IDAHO 83706-9302

December 30, 1996

RECEIVED

JAN 06 1997

WATER RESOURCES
WESTERN REGION

Operations Division

SUBJECT: NPW No. 962102210

Mr. Corry Arellano
201 Lupine Drive 3060-1
Battle Mountain, Nevada 89820

Dear Mr. Arellano:

On December 4, 1996, I met with you on-site to inspect the location of your proposed dam across Bennett Creek. The stream channel was approximately eight feet wide and was essentially dry, except for a little water that had ponded behind a six inch high berm you constructed across the channel to provide water for your live stock. As I told you on-site, Bennett Creek is a waters of the United States and any work conducted within the channel does require approval from this office prior to conducting the work.

With regard to your question about wetlands, I did not see any areas that would be impacted by your proposed dam that would be considered to be wetlands. If wetlands are present on your property, likely they would be confined to the Bennett Creek channel itself.


If you get your water right issues resolved with the Idaho Department of Water Resources, please submit the application I left with you, for your proposed dam. I would recommend that you submit it at least 60 days prior to when you want to start work. This would give us ample time to process your application.

You are advised that the discharge of material in waters of the United States, including wetlands, prior to obtaining the required Department of the Army permit is in violation of the provisions of the Clean Water Act.

-2-

If you have any questions, please contact me by writing to the above address or phone 208-343-0671.

Sincerely,


Gregory J. Martinez
Regulatory Project Manager

Copy Furnished:

Gene Gibson
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

CONVERSATION MEMORANDUM

DATE 12/12/96FILE 61-07712NAME OF PARTY Cory Arellano 702-635-9075EMPLOYEE FLRE: ARELLANO Storage Appl. 61-07712"T file" onlymailed to Applicants (CJH)not rec'd & thus(F.O. - Regis - D'BASES - Receipts - App. Lis)Discussed w/ Mrs. A. today - she'll tell
Cory & this.Can prepare 2nd draft & send it they
can't find it or NEVER got it.12/13/96Cory called - lots of discussion & "T" file re
61-07712 vs actual appl. with signature plus
fee. Bottom line is that dept. does not
have any record of appl. being completed & filed.

Sent 12/16 ✓ Rec'd that: send him blank Appl. form
with map. He can complete it, then submit
it to this office.

We agreed to do that.

update
12/13 ✓ I will update d'Base Comments in draft of
61-07712.

SD-0420-2
MODIFY RECORD

Idaho Department of Water Resources
Modify Comment

Date: 12/13/96
Time: 16:09:15

Water Right Number: 61-07712

Comment Date: 12/13/1996 User ID: SLESTER

Subject: APPLICATION STATUS

Per office visit with Corey A. recently & extensive d'base etc.____
research through 12/12/96, the draft application was prepared via
the database & mailed to applicant in Nov. 1995. The completed____
filing was never received nor receipted at IDWR. Discussed this____
with Corey A. today & mailed him a blank application form plus____
map for him to complete & return with payment. In this manner,____
an application can be actually filed & on record with IDWR.____

(Enter=Continue/Exit) (Gold2=Update) (Gold3=Delete) (Gold4=Prev) (Gold5=Next)

WR5809NP
No. 61-07712

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/15/96
PAGE: 5

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	COREY K ARELLANO	11/14/1995	IRRIGATION STORAGE	01/01 12/31		40.00 AFA
C	RYAN E ARELLANO		IRRIGATION FROM STORAGE	04/01 10/31		40.00 AFA
C	ROSS S ARELLANO		DIVERSION TO STORAGE	01/01 12/31	1.600 CFS	
C	REBECCA VICTORIA MAY ARELLANO					
C	KIMBERLY DANIELLE ARELLANO			TOTAL DIVERSION:	1.600 CFS	40.00 AFA
C	JUANITA R ARELLANO					
	201 LUPIN DR 3060-1					
	BATTLE MOUNTAIN NV 89820					
	(702) 635-9075					

Water Source: BENNETT CREEK
GROUNDWATER

Tributary to: SNAKE RIVER

Stage: APPLICATION

Point(s) of Diversion: T05S R08E S15 NWNW NWNWNW SWNW ELMORE County

Point of Diversion Name(s):

	Name	Rate	Number
T05S R08E S15 NW NW	WELL (SINGLE PT)		
S15 NW NW NW	BENNETT CREEK		
S15 SW NW	WELL (SINGLE PT)		

Place of use Legal Description for: IRRIGATION FROM STORAGE

NE				NW				SW				SE			
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac									
05S	08E	15	:	:	40	40	:	:	:	:	:	:	80.0		
												TOTAL ACRES	80.0		

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion and Source:
61-07710 61-07711

Other Water Rights Listing Overlapping Place(s) of use:
61-02011 61-07710 61-07711

Remarks: Single point of diversion for groundwater on or near tract line
between NWNW and SWNW Section 15, T05S R08E.

Dates: App. Received: 11/14/1995 Priority Date: 11/14/1995
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 11/14/1995 User-ID: CHODGES Subject: STORAGE RESERVOIR, MULTIPLE SOURCES AND P/Ds
Off-stream reservoir to be located within NWNW Section 15.
Reservoir dimensions 2 surface acres X 20 ft average depth.
P/D from Bennett Creek located within NWNWNW Sec 15 at corner
of property. Well to be located somewhere near tract line as
depicted in remarks. (This consistent with 61-07710).
Total of two points of diversion, to be valved together into
a common delivery line feeding the reservoir.

Date: 11/14/1995 User-ID: CHODGES Subject: SUPPLEMENTAL USE
Use under this right to provide supplemental irrigation to lands
also irrigated or proposed to be irrigated under 61-2011/61-7711
(Bennett Creek) and 61-7710 (ground water).

Audit: 11/14/95 CHODGES 05/14/96 CZIMMERM 07/22/96 CZIMMERM

CONVERSATION MEMORANDUM

DATE 12/5/96

FILE 61-07712

NAME OF PARTY Corey Arellano

EMPLOYEE Steve Lester

RE: Appl. Status? Storage filing

BCC1 }
APPS. Lis } 61-07712 or Arellano

WRS T flag

Where is file?

What is delay?

Protested?

✓ & call him at NV #

Also filed 61-07726 Appl. today -

Exist. ARTES. and work on BLM land,

same plan as his other filings.

Told him could not process yet per

Dept's pending clarification of invy. appl.
in open areas.

Idaho Department Of Water Resources
Receipt Summary QueryDate: 12/06/96
Time: 14:14:26

Rec/No	From	Date	Fee	Ar/No	Status
W021779	ARELLANO, COREY	12/05/1996	120.00	New op	/ /
W020047	ARELLANO, COREY K	10/30/1995	250.00		W/ /
W020135	ARELLANO, COREY K.	11/27/1995	25.00		W/ /
W020423	ARELLANO, COREY K.	02/20/1996	20.00		W/ /
W020517	ARELLANO, COREY/JUAN	03/04/1996	30.00	a. under cut	/ /
W019932	ARELLANO, J	09/28/1995	120.00		/ /
S011829	ARELLANO, JOE M.	04/05/1990	25.00		W/ /
C015397	ARENA VALLEY CIRCLE	03/08/1990	52.00		W/R/
W005847	ARENDTS, CHARLES	09/11/1989	55.00		W/R/
C023746	ARENDTS, CHARLES L.	04/10/1992	50.00		/ /
C014524	ARENDTS, CHARLES L./	02/09/1990	4.00		/ /
S019667	ARENSBERG, FRANK	11/04/1996	25.00		/ /
C008879	ARENSMAN, ELTON	08/04/1989	57.00		W/ /
W019762	ARENT, ROBERT	08/17/1995	2.00		W/ /
W012646	ARENT, ROBERT L.	08/17/1990	50.00		W/ /

(Enter=Continue)

(GOLD7=Selection Screen)

(GOLD8=Cancel)

7710
7711 = W019932
7712 = W020047
7226 Apple W021775
Never paid, returned field
West
BCEL
Apple &
Glen

Nothing in S.O. or Region e Appl.
61-07712 for storage - "T" file
created & number (CJN) to Applicant but no
reply received

WRS 61-67710 → W019932

9/28/1995

ARELLANO, J

APPLICATION FOR PERMIT

62103

229 21 1155

120.00

CHECK

211

\$

120.00

Region: WESTERN

Signature: _____

W020047

10/30/1995

ARELLANO, COREY K

ADJUDICATION CLAIMS	41503	337	1155	130.00
APPLICATION FOR PERMIT	62103	229	21 1155	120.00

CHECK	1198		\$	250.00
-------	------	--	----	--------

		Water Right Numbers	
A61-02011	A61-11830	61-07711	-

Region: WESTERN

Signature: _____

WR5809NP
No. 61-07711

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/15/96
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	REBECCA VICTORIA MAY ARELLANO	10/30/1995	IRRIGATION	04/01 10/31	1.600 CFS	
C	KIMBERLY DANIELLE ARELLANO					
C	COREY K ARELLANO					
C	JUANITA R ARELLANO					
C	RYAN E ARELLANO					
C	ROSS S ARELLANO					
	201 LUPIN DR 3060-1					
	BATTLE MOUNTAIN NV 89820					
	(702) 635-9075					
				TOTAL DIVERSION:	1.600 CFS	

Water Source: BENNETT CREEK

Tributary to: SNAKE RIVER

Stage: PERMIT

Point(s) of Diversion: T05S R08E S15 NWNW SWNW ELMORE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE						
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENE				
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
05S	08E	15	:								40	40					80.0	
																	TOTAL ACRES	80.0

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion and Source:
61-07712

Other Water Rights Listing Overlapping Place(s) of use:
61-02011 61-07710

Conditions of Approval:

- 26A - Project construction shall commence within one year from the
 - date of permit issuance and shall proceed diligently to
 - completion unless it can be shown to the satisfaction of the
 - Director of the Department of Water Resources that delays were
 - due to circumstances over which permit holder had no control.
- 005 - Use of water under this right is subject to control by the
 - watermaster of State Water District No. 61C.
- 01J - A measuring device and lockable controlling works of a type
 - acceptable to the Department shall be permanently installed and
 - maintained as part of the diverting works prior to diversion of
 - water under this right.
- 03A - The rate of diversion of water for irrigation under this right
 - and all other water rights on the same land shall not exceed 0.02
 - cubic feet per second for each acre of land.
- 051 - Any license issued by IDWR pursuant to the right or portion
 - thereof for the use of trust water is subject to a term review
 - of 20 years after the date of this approval to determine
 - availability of water for the use and to re-evaluate the public

Conditions of Approval:

- interest at the end of the term.
- 052 - Diversion and use of water under this right is subject to an
 - annual use fee if rules are subsequently promulgated which
 - provide for the submittal of the fee.
- 053 - The Director retains jurisdiction over this right and may
 - change, add, or remove any requirement as determined to be
 - appropriate.

Dates: App. Received: 10/30/1995 Priority Date: 10/30/1995
Proof Due Date: 05/01/1998 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 61C Field Exam Fee:

Comments: Date: 10/30/1995 User-ID: LGRAVES Subject: OTHER RIGHTS
This application has been filed in case SRBA claim 61-02011 is rejected. Applicant has also filed an SRBA claim on a spring in the NWNW for stockwater and 1/2 acre irrigation. Applicant also filed 61-07710 for irrigation from groundwater to the same p/u.

Date: 05/14/1996 User-ID: CZIMMERM Subject: TRUSTWATER REVIEW
This application proposes the diversion of 1.60 cfs of trustwater to irrigate 80.0 acres within W1/2NW, S15, T05S, R08E. This application satisfies the 42-203A & C requirements.

Audit: 10/30/95 LGRAVES 11/01/95 CZIMMERM 11/06/95 CHODGES 01/22/96 STAYLOR
11/14/95 PSKAGGS 05/14/96 CZIMMERM

WR5809NP
No. 61-07710

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/15/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JUANITA R ARELLANO 201 LAPIN DR 3060-1 BATTLE MOUNTAIN NV 89820	09/28/1995	IRRIGATION	04/01 10/31	1.600 CFS	
					TOTAL DIVERSION:	1.600 CFS
C	COREY K ARELLANO PO BOX 93 HAMMETT ID 83627 (208) 366-2477					

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T05S R08E S15 NWN SWNW ELMORE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
05S	08E	15	:					:			40	40	:					:						80.0
																							TOTAL ACRES	80.0

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion and Source:
61-07712

Other Water Rights Listing Overlapping Place(s) of use:
61-02011 61-07711

Conditions of Approval:

- 26A - Project construction shall commence within one year from the
 - date of permit issuance and shall proceed diligently to
 - completion unless it can be shown to the satisfaction of the
 - Director of the Department of Water Resources that delays were
 - due to circumstances over which permit holder had no control.
- 01M - After specific notification by the department, the right holder
 - shall install a suitable measuring device or shall enter into an
 - agreement with the department to determine the amount of water
 - diverted from power records and shall annually report the
 - information to the department.
- 065 - The right holder shall use the full allotment of appurtenant
 - surface water rights in conjunction with groundwater diverted
 - under this right and shall only divert groundwater under this
 - right when water from the appurtenant surface water rights cannot
 - be delivered to the right holder.
- 046 - Right holder shall comply with the drilling permit
 - requirements of Section 42-235, Idaho Code.
- 46B - The right holder shall comply with Idaho well construction
 - standards when constructing a well pursuant to this right.

Conditions of Approval:

- 03A - The rate of diversion of water for irrigation under this right
 - and all other water rights on the same land shall not exceed 0.02
 - cubic feet per second for each acre of land.
- 051 - Any license issued by IDWR pursuant to the right or portion
 - thereof for the use of trust water is subject to a term review
 - of 20 years after the date of this approval to determine
 - availability of water for the use and to re-evaluate the public
 - interest at the end of the term.
- 052 - Diversion and use of water under this right is subject to an
 - annual use fee if rules are subsequently promulgated which
 - provide for the submittal of the fee.
- 053 - The Director retains jurisdiction over this right and may
 - change, add, or remove any requirement as determined to be
 - appropriate.

Remarks: Single point of diversion located on or near line between NWNW
and SWNW, S15, T5S, R8E.

Dates: App. Received: 09/28/1995 Priority Date: 09/28/1995
Proof Due Date: 12/01/1997 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Audit: 09/28/95 JWESTRA 10/03/95 SCURTIS 10/10/95 LGRAVES 10/30/95 LGRAVES
11/01/95 CZIMMERM 11/14/95 CHODGES 11/15/95 CZIMMERM