

RECEIVED

JUN 01 2015

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**  
To appropriate the public waters of the State of Idaho

WATER RESOURCES  
WESTERN REGION

1. Name of applicant(s) David DeBenedetti Phone 208-573-1041  
Name connector (check one):  and  or  and/or

Mailing address 1743 Stateline Rd City Adrian

State OR Zip 97901 Email akfeeders@gmail.com

2. Source of water supply Arena Lake Drain which is a tributary of Snake River

3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
4N	6W	11			SE	SW	Canyon	Arena Lake Drain	

4. Water will be used for the following purposes:

Amount 1.70 cfs for Irrigation purposes from 3/1 to 11/15 (both dates inclusive)  
(cfs or acre-feet per year)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 1.7 cubic feet per second (cfs) and/or (b) \_\_\_\_\_ acre feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Headgate, pipe, pressurized irrigation system

b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required?  Yes  No

c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.

d. Is ground water with a temperature of greater than 85°F being sought?  Yes  No

e. If well is already drilled, when? \_\_\_\_\_; drilling firm \_\_\_\_\_; well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_.

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. \_\_\_\_\_

b. Stockwatering; list number and kind of livestock. \_\_\_\_\_

c. Municipal; complete and attach the Municipal Water Right Application Checklist.

d. Domestic; show number of households \_\_\_\_\_

e. Other; describe fully. \_\_\_\_\_

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	6W	11											6	24			11	1	42
													L4						43
		14	13	23			6	1											
								L1											

Total number of acres to be irrigated: 85

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

Primary irrigation water delivered by Riverside Irrigation District

- 10. a. Who owns the property at the point of diversion? Applicant
- 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:

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

Drain water will supplement Riverside Irrigation District water.

12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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.

David DeBenedetti  
Signature of Applicant

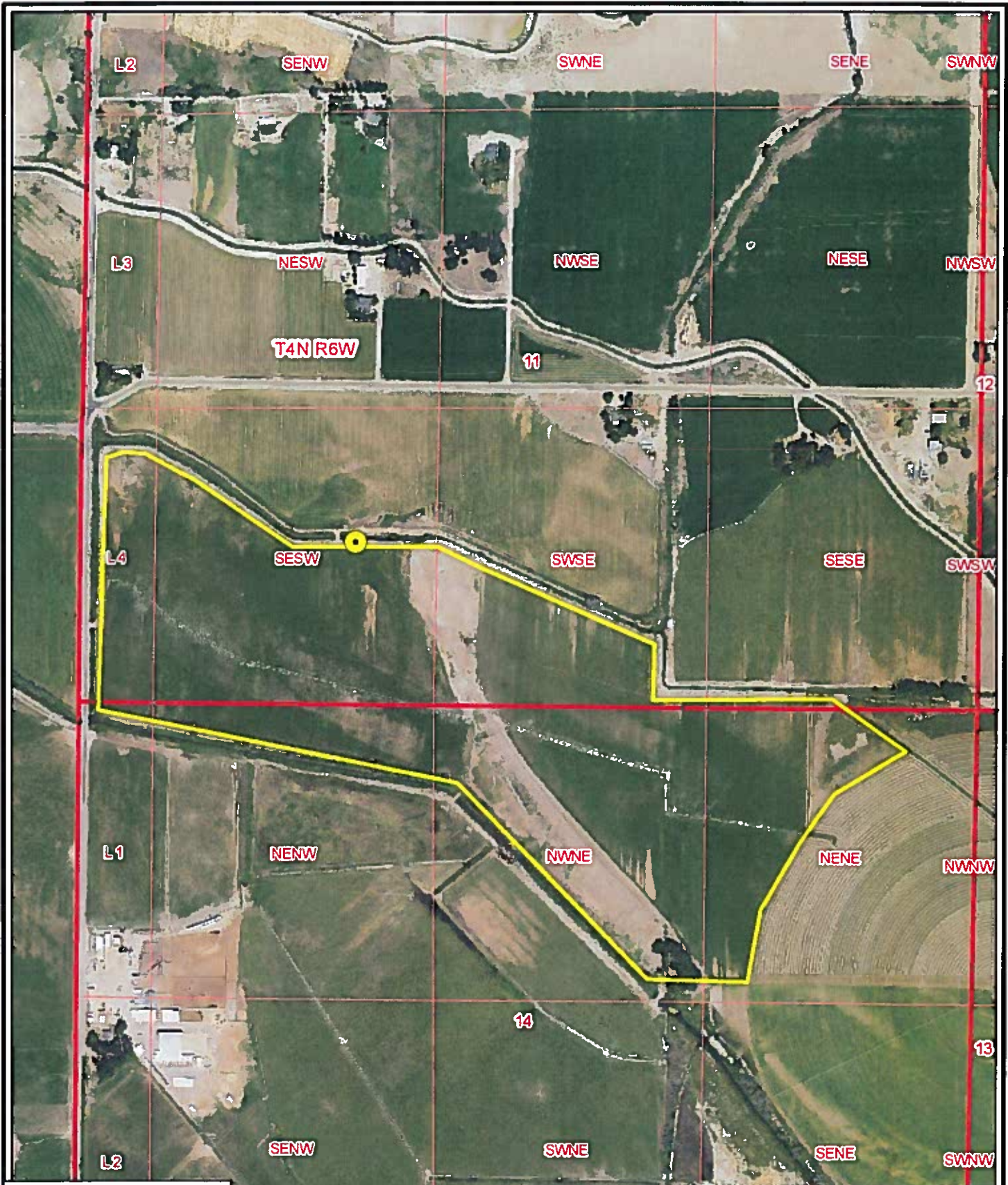
Signature of Applicant

DAVID DEBENEDETTI  
Print Name (and title, if applicable)



Print Name (and title, if applicable)

For Department Use:

Received by AS Date 6/1/15 Time 11:59 Preliminary check by RS.  
Fee \$ 290<sup>00</sup> Received by AS Receipt No. W043149 Date 6/1/15



**Legend**

-  Proposed POD
-  Proposed POU

**DeBenedetti  
Application for Permit**



# Local Irrigation District Questionnaire

(For water right application)

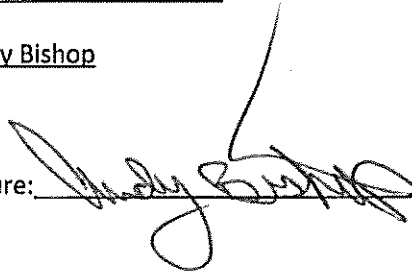
- 1- Does the tract of land desiring to be irrigated have a water right? Receives water from the Irrigation District.
- 2- Is the water source (location) identified on attached map from a waste drain/waste ditch? Yes.
- 3- If water source is in waste drain/ ditch is there an official name for waterway used by the Irrigation district? Yes If yes please state name of waterway: Arena Lake Drain.
- 4- Can the point of diversion be located within applicant's property boundaries? Yes.
- 5- Is the point of diversion (shown on attached map) being sought by applicant beyond any district recognized delivery point and free from any further delivery obligations to any landowners? Yes.
- 6- Does the irrigation district have any reason from a legal or policy standpoint to object to the application? No.
- 7- Is the location for point of diversion and method used as shown and described in attached map and plan deemed acceptable? Yes.

Name of Applicant David DeBenedetti

Name of local irrigation district: Riverside Irrigation District

Manager of local irrigation district: Andy Bishop

Manager's signature: \_\_\_\_\_



Date

13 MAY 15

## Neely, Rachel

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**From:** Neely, Rachel  
**Sent:** Friday, October 09, 2015 11:24 AM  
**To:** 'legals@idahopress.com'  
**Subject:** Canyon Legal Ad  
**Attachments:** Canyon Cover Letter.docx; Canyon Legal Ad.docx

Good Afternoon Legal Clerk,

Please see the attached ads for publication on 10/15/15 & 10/22/15.

Please confirm these are okay to publish as shown.

Thank you,

---

*Rachel Neely*

Administrative Assistant I  
IDWR-Western Region  
2735 Airport Way Boise, ID 83705  
[Rachel.Neely@idwr.idaho.gov](mailto:Rachel.Neely@idwr.idaho.gov)

October 9, 2015

LEGAL NOTICE DEPARTMENT  
PRESS TRIBUNE  
PO BOX 9399  
NAMPA, ID 83652

RE: Application for Permit No. 63-34079  
Application for Permit No. 63-34080  
Application for Permit No. 63-33972  
Application for Permit No. 63-34093

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/2/2015. Your cooperation is appreciated.

Sincerely,

Rachel Neely  
Administrative Assistant

Enclosure(s)

The following applications have been filed to appropriate the public waters of the State of Idaho:

**63-34079**

CHRIS EMMERT  
7180 BOWMONT RD  
NAMPA, ID 83686  
Point of Diversion SWNE S35 T02N R02W CANYON County Source GROUND WATER  
Use: IRRIGATION 03/01 to 11/15 1.9 CFS  
Total Diversion: 1.9 CFS  
Date Filed: 5/8/2015  
Place of Use: IRRIGATION  
T02N R02W S35 NENE SWNE SENE  
Total Acres: 95  
Water bearing zone to be appropriated is to from 90 to 225 feet.

**63-34080**

CHRIS EMMERT  
7180 BOWMONT RD  
NAMPA, ID 83686  
Point of Diversion SWNW S1 T01N R02W CANYON County Source GROUND WATER  
Use: IRRIGATION 03/01 to 11/15 1.46 CFS  
Total Diversion: 1.46 CFS  
Date Filed: 5/8/2015  
Place of Use: IRRIGATION  
T01N R02W S1 L4(NWNW) SWNW  
Total Acres: 73  
Water bearing zone to be appropriated is to from 90 to 225 feet.

**63-33972**

LITTLE ENTERPRISES LLLP  
PO BOX 488  
EMMETT, ID 83617  
Point of Diversion NWSW SESW S16 T05N R02W CANYON County Source GROUND WATER  
Use: IRRIGATION 03/01 to 11/15 9.3 CFS  
Total Diversion: 9.3 CFS  
Date Filed: 7/24/2014  
Place of Use: IRRIGATION  
T05N R02W S16 NE(ALL) NW(ALL) SW(ALL) SE(ALL)  
T05N R02W S21 NENW  
Total Acres: 585  
Water bearing zone to be appropriated is from 25 to 600 feet.

**63-34093**

DAVID DE BENEDETTI  
1743 STATELINE RD  
ADRIAN, OR 97901  
Point of Diversion SESW S11 T04N R06W CANYON County Source ARENA LAKE DRAIN Tributary SNAKE RIVER  
Use: IRRIGATION 03/01 to 11/15 1.7 CFS  
Total Diversion: 1.7 CFS  
Date Filed: 6/1/2015  
Place of Use: IRRIGATION  
T04N R06W S11 L4(SWSW) SESW SWSE SESE  
T04N R06W S14 NENE NWNE NENW L1(NWNW)  
Total Acres: 85

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see [www.idwr.idaho.gov/WaterManagement/WaterRights](http://www.idwr.idaho.gov/WaterManagement/WaterRights). Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 11/02/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/15/2015 and 10/22/2015



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

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October 9, 2015

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

DAVID DE BENEDETTI  
1743 STATELINE RD  
ADRIAN, OR 97901

Application for Permit No. 63-34093

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the PRESS TRIBUNE on 10/15/2015 and 10/22/2015. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Neely', is written over a horizontal line.

Rachel Neely  
Administrative Assistant

CC:

SPF WATER ENGINEERING LLC  
C/O LORI GRAVES  
300 E MALLARD DR STE 350  
BOISE, ID 83706



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

October 9, 2015

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

RIVERSIDE IRRIGATION DISTRICT  
120 N THIRD ST  
PO BOX 1080  
PARMA ID 83660

**Re: Application for Permit No. 63-34093**

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *ID Press Tribune* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by November 2, 2015. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

Rachel Neely  
Administrative Assistant  
Western Regional Office

Enclosures

## Sommer, Rachel

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**From:** Keen, Shelley  
**Sent:** Tuesday, October 06, 2015 1:20 PM  
**To:** Sommer, Rachel  
**Subject:** RE: Application Source

Rachel,

As with most of the watercourses in that area, the situation looks a little muddy and confusing. After looking for clues in nearby water right filings, I think Case Drain flows into the Arena Lake Drain in the SWSE of Section 11, T4N, 65W. See Rights 63-32533 and 63-32534. Among the scanned documents for 63-32533 is a "Memorandum Decision and Order on Challenge" that describes the Case Drain.

Since its POD is downstream from the confluence of the two drains, I would characterize the source of water for your application as Arena Lake Drain, tributary to the Snake River, which would be consistent with Permit 63-32947.

Let me know if you see it differently and want to talk it over.

Shelley

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**From:** Sommer, Rachel  
**Sent:** Tuesday, October 06, 2015 10:29 AM  
**To:** Keen, Shelley  
**Subject:** Application Source

Good Morning Shelley,

Angie recommended I converse with you about possibly adding a new source into our database.

The attached application has **Arena Lake Drain** as the source, though I believe the drain to be **Arena Case Drain**. There is another POD close to this proposed POD for Permit No. 63-32947 that also has Arena Lake Drain as the source.

Will you please help determine if we need to add another source and if so will the tributary be the Snake River?

Thank you!

Rachel

## Sommer, Rachel

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**From:** Lori Graves [LGraves@spfwater.com]  
**Sent:** Monday, October 05, 2015 9:02 AM  
**To:** Sommer, Rachel  
**Cc:** AK Feeders LLC  
**Subject:** RE: Application for Permit for David DeBenedetti  
**Attachments:** STurquoise15042111210.pdf

Good Morning Rachel,

As we understand it, (from field work and confirmation with Riverside Irrigation District), Case Drain flows into Arena Lake Drain. You can also reference sources in the water rights database and you will find "Case Drain" and "Arena Lake Drain".

With regards to property ownership, attached is Dave's recorded deed.

**From:** Sommer, Rachel [mailto:Rachel.Sommer@idwr.idaho.gov]  
**Sent:** Friday, October 02, 2015 2:55 PM  
**To:** Lori Graves <LGraves@spfwater.com>  
**Subject:** Application for Permit for David DeBenedetti

RE: Application for Permit No. 63-34093

Good Afternoon Lori,

A few points of clarification are needed before I can advertise this application. Please amend the attached application if needed or clarify the following items:

- The source of water supply listed on the application is Arena Lake Drain. The proposed point of diversion identified on the proposal map would be supplied by Arena Case Drain.
- The application states the applicants own the land proposed as the place of use. The taxlot information I have shows Del Monte as the owner.
- If the applicants did purchase a portion of land was the land divided granting David DeBenedetti the land north of Arena Case Drain only?

Please let me know if you have any questions.

Sincerely,

Rachel Sommer | Water Resource Agent  
Idaho Dept. of Water Resources | Western Regional Office  
208.334.2190 | 2735 Airport Way, Boise ID 83705

2015-010690

RECORDED

03/30/2015 04:36 PM

Recording requested by:

WAGNER KIRKMAN BLAINE  
KLOMPARENS & YOUMANS LLP

When recorded mail to:

David DeBenedetti  
Victoria DeBenedetti  
c/o Belan K. Wagner, Esq.  
Wagner Kirkman Blaine  
Klomprens & Youmans LLP  
10640 Mather Boulevard, Suite 200  
Mather, CA 95655



CHRIS YAMAMOTO  
CANYON COUNTY RECORDER  
Pgs=3 RECORD1 \$16.00  
DEED  
WAGNER KIRKMAN BLAINE

Space above this line for recorder's use

### WARRANTY DEED

FOR VALUE RECEIVED, Del Monte Capitol Meat Co., Inc., a California corporation, the Grantor, does hereby grant, bargain sell and convey unto David and Victoria DeBenedetti, husband and wife, the Grantees, whose current address is P.O. Box 920, Kenwood, CA 95452, the following described premises, in Canyon County, Idaho, TO WIT:

See Exhibit "A" attached hereto

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that they are the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT: Subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes, assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: March 30, 2015

DEL MONTE CAPITOL MEAT CO., INC. .  
By: Victoria DeBenedetti  
VICTORIA DeBENEDETTI

MAIL TAX STATEMENTS TO: David and Victoria DeBenedetti, P.O. Box 920, Kenwood, CA 95452

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Yolo )

On March 20, 2015, before me Patricia A Sanders, a notary public, personally appeared VICTORIA DeBENEDETTI, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Patricia A Sanders (Seal)



**EXHIBIT A**

**LEGAL DESCRIPTION**

Township 4 North, Range 6 West Boise Meridian

Section 14: E1/2NW; W1/2NE, NENE, Govt Lot 1 and 2 T71114

Section 13: NWNW, south and west of Riverside Canal

Section 11: SWSE less Tax 1 and 02097; SESW less Tax 02097; Govt Lot 4 less Tax 02097

All situated in Canyon County.

PIN: 7111400000; 373450000; 373150100; 373460000; 373480100.



**SPF WATER**  
ENGINEERING

RECEIVED

May 29, 2015

JUN 01 2015

WATER RESOURCES  
WESTERN REGION

Angie Grimm  
IDWR Western Region Office  
2735 Airport Way  
Boise, ID 83705

**Subject: Application for Permit**

Dear Angie,

Enclosed on behalf of David DeBenedetti, is an *Application for Permit* proposing diversion from Arena Lake Drain for supplemental irrigation of 85 acres. Arena Lake Drain is controlled by Riverside Irrigation District. Andy Bishop, Manager of Riverside Irrigation District, signed a questionnaire attached to the application indicating the District does not oppose the application.

Check No. 4283 for \$290 is enclosed for the filing fee. Thank you very much for your consideration and assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori Graves".

Lori Graves  
Water Rights Specialist

Cc: Dave DeBenedetti

Enclosures

SPF file number: 1170.0010