

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 61-7712

Priority: July 25, 1997

Maximum Diversion Rate: 1.20 CFS

It is hereby certified that:

ROSS S ARELLANO AND/OR

RICHARD MATTHEW ARELLANO AND/OR

REBECCA VICTORIA MAY ARELLANO AND/OR

JEREMY RUSSELL SHERMAN AND/OR

JENNIFER DIANE ARELLANO AND/OR

MATTHEW MC KENZIE ARELLANO AND/OR

RYAN E ARELLANO AND/OR

KIMBERLY DANIELLE ARELLANO AND/OR

JUANITA R ARELLANO AND/OR

COREY K ARELLANO
9141 W CHURCH ST
HAMMETT ID 83627-6311

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 25, 1997, and has submitted Proof of Beneficial Use on July 26, 1995. An examination confirms water is diverted from:

Source : BENNETT CREEK

Tributary: SNAKE RIVER

Source : GROUND WATER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.94 CFS	
IRRIGATION STORAGE	1/01 to 12/31		136.0 AF
IRRIGATION FROM STORAGE	4/01 to 10/31		55.6 AF
STOCKWATER STORAGE	1/01 to 12/31		1.6 AF
WILDLIFE STORAGE	1/01 to 12/31		136.0 AF
RECREATION STORAGE	1/01 to 12/31		136.0 AF
DIVERSION TO STORAGE	1/01 to 12/31	1.20 CFS	
RECREATION	01/01 to 12/31	0.01 CFS	6.2 AF

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 61-7712

Location of Point(s) of Diversion

BENNETT CREEK	SW¼ NW¼, Sec. 15, Twp 05S, Rge 08E, B.M.	ELMORE County
BENNETT CREEK	SW¼ NW¼, Sec. 15, Twp 05S, Rge 08E, B.M.	ELMORE County
BENNETT CREEK	SW¼ NW¼, Sec. 15, Twp 05S, Rge 08E, B.M.	ELMORE County
GROUND WATER	SW¼ NW¼, Sec. 15, Twp 05S, Rge 08E, B.M.	ELMORE County

Place of Use: IRRIGATION AND IRRIGATION FROM STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	08E	15						17.0	30.0										47.0

Total Acres: 47.0

Place of Use: IRRIGATION STORAGE, STOCKWATER STORAGE, WILDLIFE STORAGE AND RECREATION STORAGE.

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	08E	15						X	X										

Place of Use: RECREATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	08E	15						X	X										

Conditions of Approval

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 188 af for irrigation at the field headgate for the place of use.
2. This right when combined with all other rights shall provide no more than 5.0 afa per acre for irrigation storage and irrigation from storage for the place of use.
3. Right 61-7712 authorizes total annual storage volume of 136 acre-feet, 55.6 acre-feet to be used for the initial filling or carryover storage of the two pond(s) and 80.2 acre-feet for the replacement of losses caused by seepage and evaporation. 55.6 acre-feet from the ponds authorized for irrigation from storage.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 55.6 acre-feet or a total surface area of 7.6 acres.
6. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water Districts No. 161 and 61C.

State of Idaho
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7. This right may be used in conjunction with water rights administered by multiple water districts. The right holder shall cooperate with each jurisdictional water district to ensure proper administration of water rights.
8. The right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
9. Recreation use is for filling and maintain a hot tub.
10. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
11. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
12. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

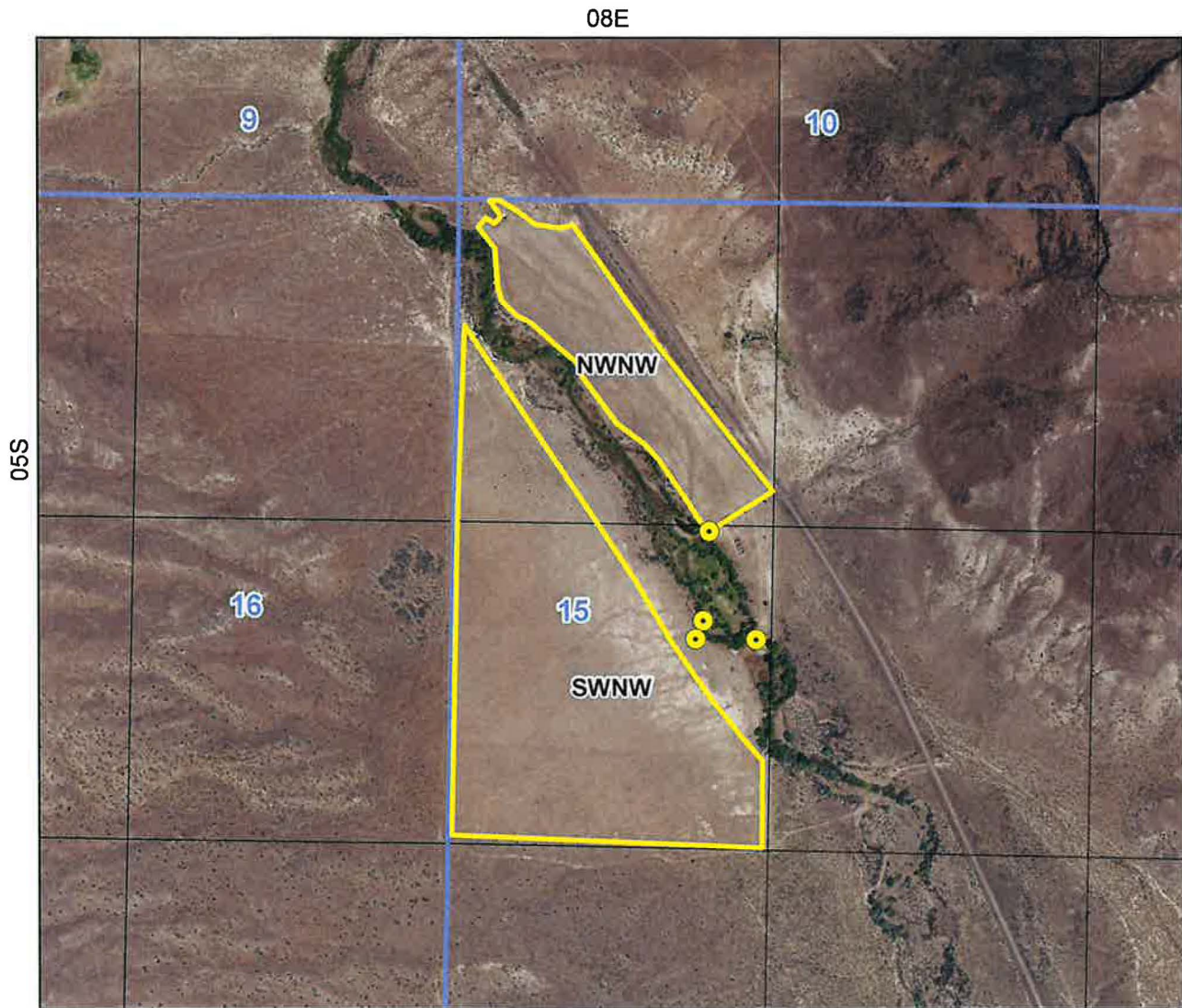
Signed this 27th day of October, 20 23.



PHILL HUMMER
Water Rights Supervisor

State of Idaho
Department of Water Resources
Attachment to Water Right License
61-7712

This map depicts the IRRIGATION and IRRIGATION FROM STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.075 0.15 0.3 Miles

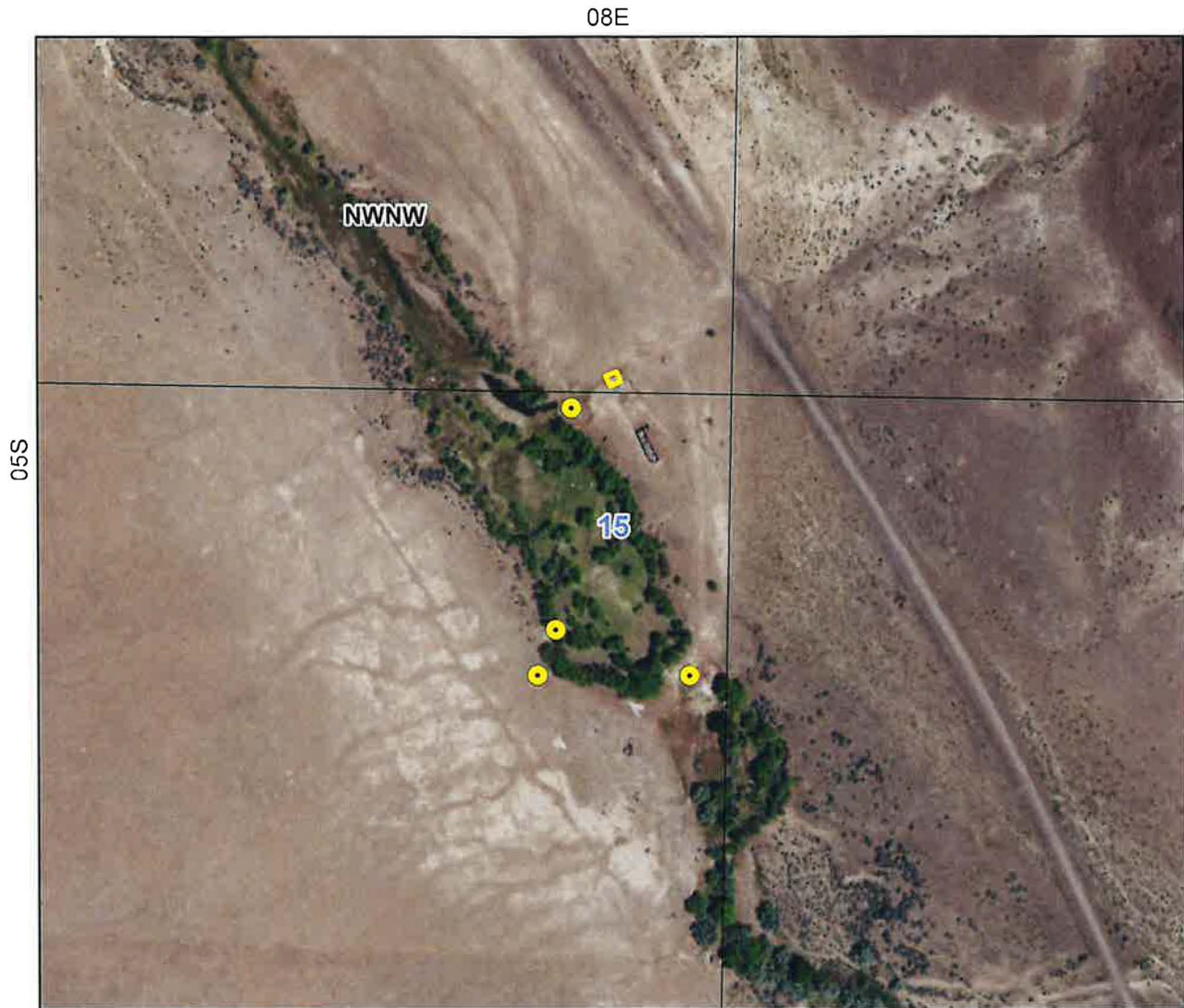


State of Idaho
Department of Water Resources

Attachment to Water Right License

61-7712

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



-  Point of Diversion
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0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources

Attachment to Water Right License

61-7712

This map depicts the IRRIGATION STORAGE, STOCKWATER STORAGE, WILDLIFE STORAGE, AND RECREATION STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.05 0.1 0.2 Miles



State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 61-7712

RECEIVED
APR 21 2022
DEPARTMENT OF
WATER RESOURCES

Priority: July 25, 1997

Maximum Diversion Rate: 1.20 CFS

The owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 61-7712

ROSS S ARELLANO AND/OR

RICHARD MATTHEW ARELLANO AND/OR

REBECCA VICTORIA MAY ARELLANO AND/OR

COREY K ARELLANO AND/OR

JENNIFER DIANE ARELLANO AND/OR

MATTHEW MC KENZIE ARELLANO AND/OR

RYAN E ARELLANO AND/OR

KIMBERLY DANIELLE ARELLANO AND/OR

JUANITA R ARELLANO AND/OR

JEREMY RUSSELL SHERMAN
PO BOX 93
HAMMETT ID 83627-0093

requests the permit be changed as follows:

Source : BENNETT CREEK
Source : GROUND WATER

Tributary: SNAKE RIVER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.94 CFS	
IRRIGATION STORAGE	1/01 to 12/31		136.0 AF
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State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 61-7712

Location of Point(s) of Diversion

BENNETT CREEK SW¼ NW¼, Sec. 15, Twp 05S, Rge 08E, B.M. ELMORE County
 BENNETT CREEK SW¼ NW¼, Sec. 15, Twp 05S, Rge 08E, B.M. ELMORE County
 BENNETT CREEK SW¼ NW¼, Sec. 15, Twp 05S, Rge 08E, B.M. ELMORE County
 GROUND WATER SW¼ NW¼, Sec. 15, Twp 05S, Rge 08E, B.M. ELMORE County

Place of Use: IRRIGATION AND IRRIGATION FROM STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	08E	15						17.0	30.0										47.0

Total Acres: 47.0

Place of Use: IRRIGATION STORAGE, STOCKWATER STORAGE, WILDLIFE STORAGE, AND RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	08E	15						X	X										

Place of Use: RECREATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	08E	15						X	X										

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed this 4-21-2022 day of April, 2022.


(Signature)

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 61-7712

FOR DEPARTMENT USE ONLY

Preliminary check by DAW Fee = \$100 Received by WU # C112565 Date 4.21.22

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 61-7712 with the following:

Conditions of Approval

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 188 af for irrigation at the field headgate for the place of use.
2. This right when combined with all other rights shall provide no more than 5.0 afa per acre for irrigation storage and irrigation from storage for the place of use.
3. Right 61-7712 authorizes total annual storage volume of 136 acre-feet, 55.6 acre-feet to be used for the initial filling or carryover storage of the two pond(s) and 80.2 acre-feet for the replacement of losses caused by seepage and evaporation. 55.6 acre-feet from the ponds authorized for irrigation from storage.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
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6. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water Districts No. 161 and 61C.
7. This right may be used in conjunction with water rights administered by multiple water districts. The right holder shall cooperate with each jurisdictional water district to ensure proper administration of water rights.
8. The right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
9. Recreation use is for filling and maintain a hot tub.
10. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 61-7712

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

12. This right does not grant any right-of-way or easement across the land of another.

This amendment is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this 27th day of October, 2023.



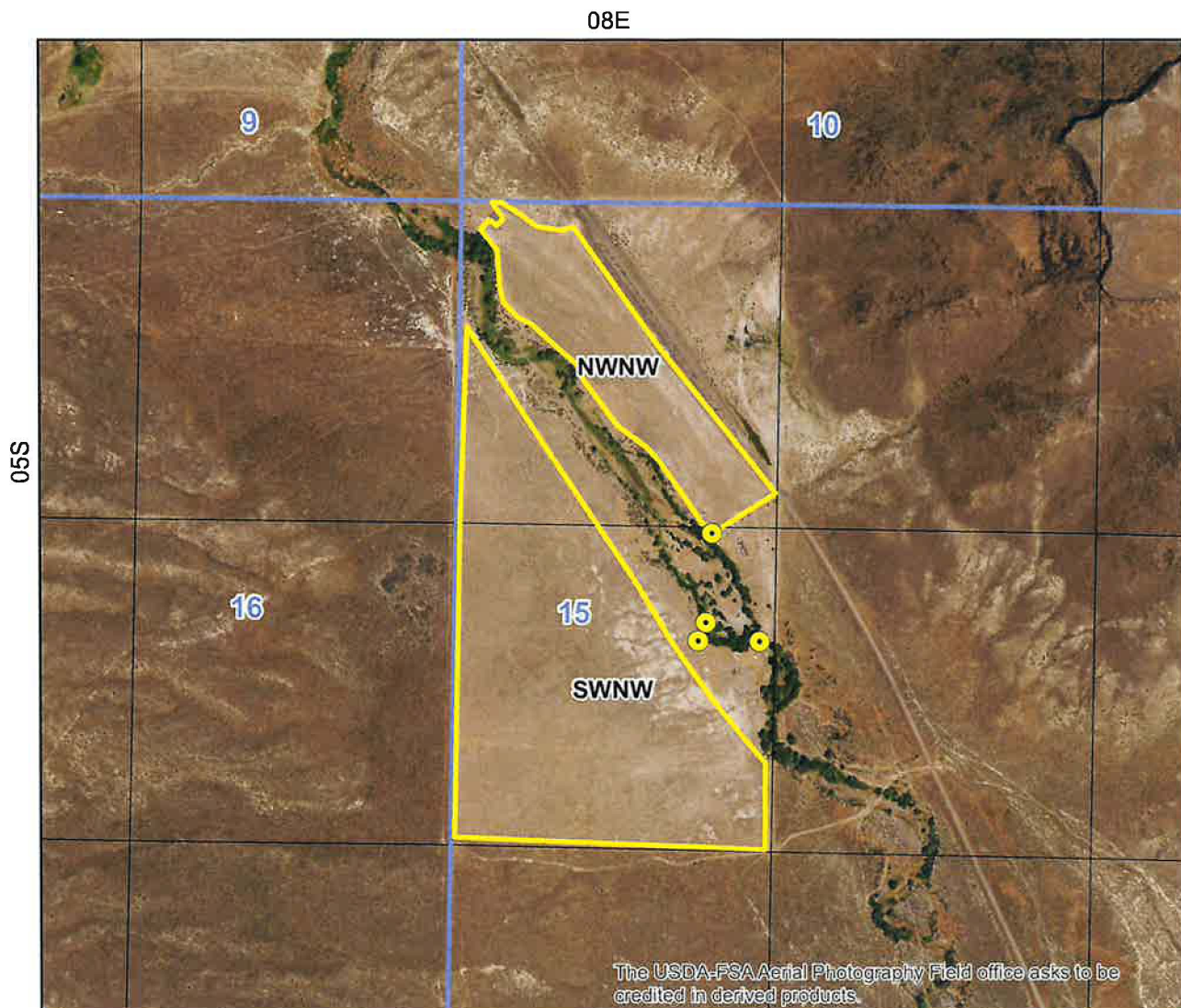
PHILL HUMMER
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment for Application to Amend a Permit

61-7712

This map depicts the IRRIGATION and IRRIGATION FROM STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.075 0.15 0.3 Miles



State of Idaho
Department of Water Resources
Attachment for Application to Amend a Permit
61-7712

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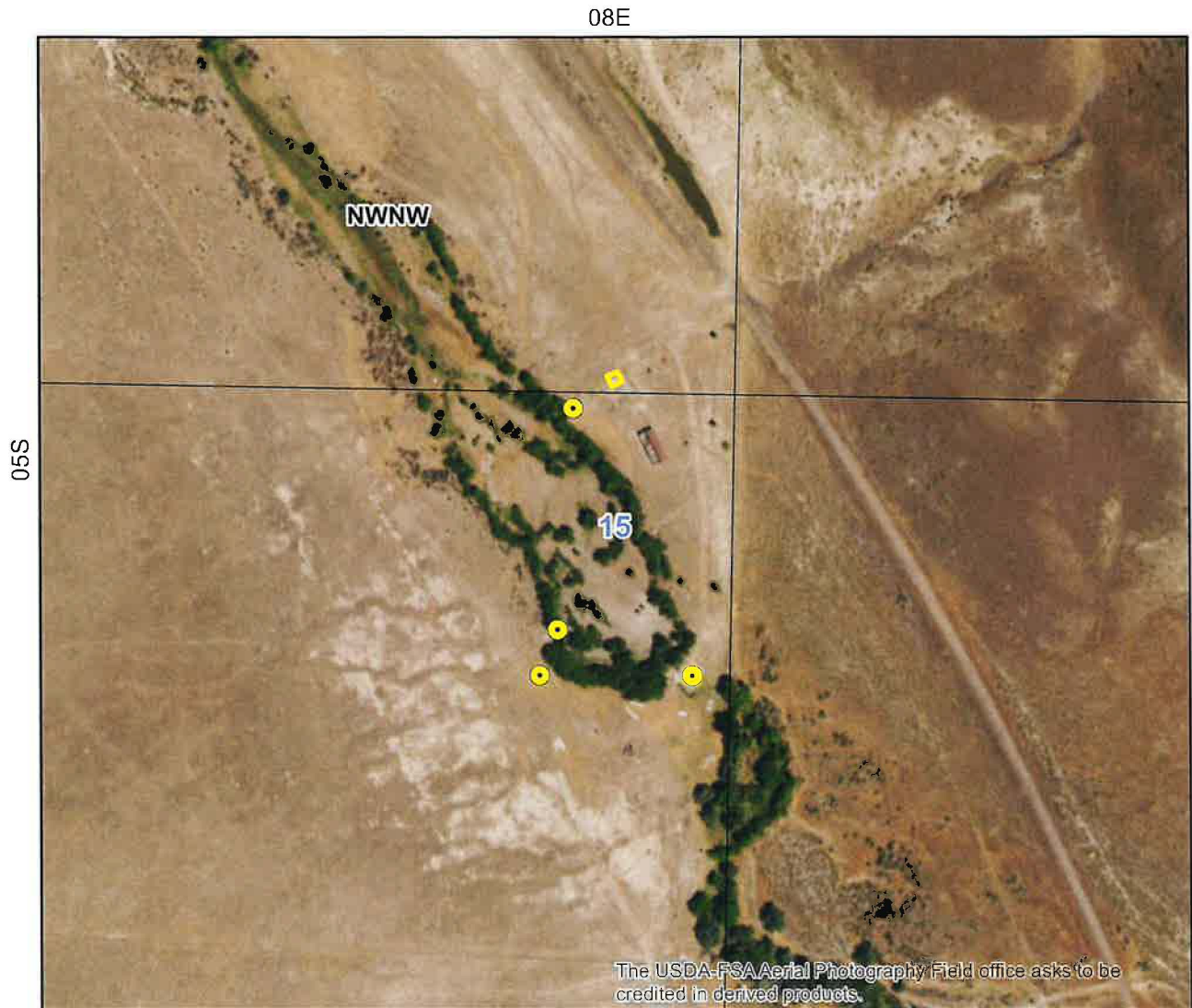


State of Idaho
Department of Water Resources

Attachment for Application to Amend a Permit

61-7712

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

0 0.035 0.07 0.14 Miles





IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Mathew Weaver

October 27, 2023

RICHARD MATTHEW ARELLANO
REBECCA VICTORIA MAY ARELLANO
MATTHEW MC KENZIE ARELLANO
ROSS S ARELLANO
JENNIFER DIANE ARELLANO
JUANITA R ARELLANO
JEREMY RUSSELL SHERMAN
COREY K ARELLANO
RYAN E ARELLANO
KIMBERLY DANIELLE ARELLANO
9141 W CHURCH ST
HAMMETT ID 83627-6311

RE: License No. 61-7712

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 287-4925.

Sincerely,

Phill Hammer

Phill Hammer
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2023, I served a true and correct copy of Water Right License No. 61-7712 by U.S. Mail, postage prepaid, to the following:

RICHARD MATTHEW ARELLANO (Current Owner)
9141 W CHURCH ST
HAMMETT ID 83627-6311

REBECCA VICTORIA MAY ARELLANO (Current Owner)
9141 W CHURCH ST
HAMMETT ID 83627-6311

MATTHEW MC KENZIE ARELLANO (Current Owner)
9141 W CHURCH ST
HAMMETT ID 83627-6311

ROSS S ARELLANO (Current Owner)
9141 W CHURCH ST
HAMMETT ID 83627-6311

JENNIFER DIANE ARELLANO (Current Owner)
9141 W CHURCH ST
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JUANITA R ARELLANO (Current Owner)
9141 W CHURCH ST
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JEREMY RUSSELL SHERMAN (Current Owner)
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9141 W CHURCH ST
HAMMETT ID 83627-6311

KIMBERLY DANIELLE ARELLANO (Current Owner)
9141 W CHURCH ST
HAMMETT ID 83627-6311

WATER DISTRICT #161
ED VAN ETEN (Watermaster)
PO BOX 147
MOUNTAIN HOME ID 83647-0147



Jean Hersley
Technical Records Specialist 2

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.