

State of Idaho  
Department of Water Resources  
**Water Right License**  
WATER RIGHT NO. 51-13107

**PRIORITY:** September 04, 2014

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 0.4 AF

It is hereby certified that:

PETER JACKSON JR 51800 J T LN RIDDLE ID 83604 And/Or

RUTH JACKSON 51800 JT LN RIDDLE ID 83604

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 13, 2014, and has submitted Proof of Beneficial Use on March 28, 2016. An examination confirms water is diverted from:

**SOURCE:**  
UNNAMED DRAIN

**TRIBUTARY:**  
BRUNEAU RIVER

and a water right has been established as follows:

**BENEFICIAL USE**  
STOCKWATER

**PERIOD OF USE**  
01/01 to 12/31

**DIVERSION RATE**  
0.04 CFS

**ANNUAL DIVERSION VOLUME**  
0.4 AF

**LOCATION OF POINT(S) OF DIVERSION:**

UNNAMED DRAIN NW¼NE¼ Sec. 31, Twp 06S, Rge 06E, B.M. OWYHEE County (Ending of Reach)  
UNNAMED DRAIN NW¼NE¼ Sec. 31, Twp 06S, Rge 06E, B.M. OWYHEE County (Beginning of Reach)

**PLACE OF USE:** STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 06S | 06E | 31  |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. This right authorizes the watering of livestock directly from the stream without a diversion.
2. This right is for the use of trust water, and it is subject to review 5 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.
3. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. 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 17<sup>th</sup> day of December, 2018.

  
CLAY WEBSTER  
Water Rights Supervisor

State of Idaho  
Department of Water Resources  
**Attachment to Water Right License**  
51-13107

This map depicts the STOCKWATER 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.

06E



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

0 0.035 0.07 0.14 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "Butch" Otter  
Governor

Gary Spackman  
Director

December 19, 2018

RUTH JACKSON  
PETER JACKSON JR  
51800 J T LN  
RIDDLE ID 83604

RE: License No. 51-13107

**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. Also enclosed is a copy of the approved application for amendment.

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. Failure to report these changes could result in a \$100 late filing fee. Water right forms are available from any office of the Department or on the Department's website at [idwr.idaho.gov](http://idwr.idaho.gov)

If you have any questions concerning the enclosed information, please contact me at (208) 287-4910.

Sincerely,

Clay Webster  
Water Rights Supervisor

Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2018, I served a true and correct copy of Water Right License No. 51-13107 by U.S. Mail, postage prepaid, to the following:

RUTH JACKSON (Current Owner)  
51800 JT LN  
RIDDLE ID 83604

PETER JACKSON JR (Current Owner)  
51800 J T LN  
RIDDLE ID 83604

CHARLES L HONSINGER (Attorney)  
HONSINGER LAW PLLC  
PO BOX 517  
BOISE ID 83701



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Darla Block  
Technical Records Specialist I

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

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

(Required by Rule of Procedure 730.02)

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

### **PETITION FOR RECONSIDERATION**

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

### **EXCEPTIONS AND BRIEFS**

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

### **REQUEST FOR HEARING**

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

### **ORAL ARGUMENT**

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

## CERTIFICATE OF SERVICE

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

## FINAL ORDER

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

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

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

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

## APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 51-13107**

RECEIVED

NOV 29 2018

WATER RESOURCES  
WESTERN REGION

PRIORITY: September 04, 2014

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 0.4 AF

Comes now

PETER JACKSON JR 51800 J T LN RIDDLE ID 83604 And/Or

RUTH JACKSON 51800 JT LN RIDDLE ID 83604

RECEIVED

NOV 30 2018

DEPARTMENT OF  
WATER RESOURCES

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 51-13107, and requests that the permit be changed as follows:

**SOURCE:**  
UNNAMED DRAIN

**TRIBUTARY:**  
BRUNEAU RIVER

**BENEFICIAL USE**  
STOCKWATER

**PERIOD OF USE**  
01/01 to 12/31

**DIVERSION RATE**  
0.04 CFS

**ANNUAL DIVERSION VOLUME**  
0.4 AF

**LOCATION OF POINT(S) OF DIVERSION:**

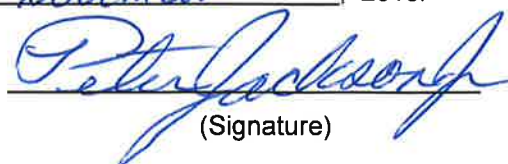
UNNAMED DRAIN NW¼NE¼ Sec. 31, Twp 06S, Rge 06E, B.M. OWYHEE County (Ending of Reach)

UNNAMED DRAIN NW¼NE¼ Sec. 31, Twp 06S, Rge 06E, B.M. OWYHEE County (Beginning of Reach)

**PLACE OF USE:** STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 06S | 06E | 31  |    | 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 29 day of November, 2018.

  
(Signature)

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 51-13107**

\*\*\*\*\*  
FOR DEPARTMENT USE ONLY

Preliminary check by \_\_\_\_\_ Fee = ~~\$100~~ Received by aj # W046972 Date 11/29/18

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 51-13107 with the following:

**CONDITIONS OF APPROVAL**

1. This right authorizes the watering of livestock directly from the stream without a diversion.
2. This right is for the use of trust water, and it is subject to review 5 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.
3. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.

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

Signed this 17<sup>th</sup> day of December, 2018.



CLAY WEBSTER  
Water Rights Supervisor

# Field Report Map, Permit 51-13107



## Legend

-  Points of Diversion
-  Instream\_POU
-  Place of Use
-  Township/Range
-  Sections
-  QQ

0 0.04750.095 0.19 Miles



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

November 26, 2018

PETER JACKSON JR  
51800 J T LN  
RIDDLE ID 83604

RUTH JACKSON  
51800 JT LN  
RIDDLE ID 83604

RE: Water Right Permit No. 51-13107

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit(s) referenced above prior to issuing water right license(s). By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit.

On October 17, 2018, I conducted a field exam and determined that stock have been watered by means of cattle accessing water instream, from an unnamed drain. Your permit is therefore being licensed as an instream stock water right, with two points of diversion that demarcate the beginning and end of the instream place of use. One point defines the beginning of the instream place of use and the other point defines the end of the instream place of use. This is a change to the original permit, which only acknowledged a single point of diversion on the Unnamed Drain.

Changes that do not increase the authorized use of water under the permit(s) can be requested and approved in accordance with Section 42-211, Idaho Code. Before license(s) can be issued, your permit(s) must be amended to depict your water use as it was actually developed.

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when issued. Please review the amendment form carefully. If you concur with the information presented, please sign and return the form(s) with the \$100.00 filing fee within 14 days.

If you have any questions, please call me at 208 287 4918.

Sincerely,

Remington Buyer  
Water Supply Bank Coordinator

Enclosure(s): Application for Amendment  
cc: CHARLES L HONSINGER

## **Buyer, Remington**

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**From:** Buyer, Remington  
**Sent:** Monday, November 26, 2018 12:18 PM  
**To:** 'riddleranches@yahoo.com'  
**Cc:** 'honsingerlaw@gmail.com'  
**Subject:** Permit 51-13107  
**Attachments:** Amended Permit 51-13107.pdf

Mr. Jackson,

We have completed processing on your permit 51-13107 and are ready to license this stockwater right. Attached to this email are forms being mailed to you today, regarding the licensing of the permit.

Please know, on the application for this permit, a diversion rate of 0.08 cfs was requested for the out of stream watering of 600 cattle. However, during the field exam, IDWR discovered that cattle are watered instream, directly from the unnamed drain on the property. As such, 51-13107 will be licensed as an in stream stockwater right, after an Application for Amendment to Permit 51-13107 is processed (form attached).

Typically, instream stockwater rights are limited to no more than 0.02 cfs. However, because your application requested a diversion rate of 0.08 cfs, and because a diversion rate of 0.04 cfs was recorded in the Unnamed Drain during 2018, IDWR will license the permit at 0.04 cfs. The Application for Amendment form attached to this email lists the elements of stockwater right 51-13107 as it will be licensed, after the amendment is processed. If you agree with the right as recorded on the attached application for amendment form, please sign the form and return it to our office with the \$100 amendment processing fee.

Also, I did not collect a phone number, address or email address from Mr. Lynn Bachman, who accompanied me during the field exam. Could you please respond to this email and provide contact information for Mr. Bachman?

Thank you,

**Remington Buyer**  
Water Supply Bank Coordinator  
Idaho Department of Water Resources  
322 East Front Street, Boise, ID, 83720  
T: (208) 287-4918 | F: (208) 287-6700