

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 24-10784

PRIORITY: September 18, 2012

Maximum Diversion Rate: 0.02 CFS

Maximum Diversion Volume: 1.2 AF

It is hereby certified that:

FREDERICK LOUIS SCARLETT PO BOX 3715 JACKSON WY 83001 And/Or

GRIFFIN BENJAMIN SCARLETT PO BOX 3715 JACKSON WY 83001

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 18, 2012, and has submitted Proof of Beneficial Use on November 02, 2016. An examination confirms water is diverted from:

SOURCE:
SPRING

TRIBUTARY:
SINKS

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
STOCKWATER	06/01 to 11/30	0.02 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, Twp 04S, Rge 46E, B.M. BONNEVILLE County

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	
04S	46E	31																X	

CONDITIONS OF APPROVAL

1. The quantity of water under this right shall not exceed 13,000 gallons per day.
2. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

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 18th day of September, 2017.


GARY SPACKMAN
Director



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

September 20, 2017

FREDERICK LOUIS SCARLETT
GRIFFIN BENJAMIN SCARLETT
PO BOX 3715
JACKSON WY 83001

RE: License Nos. 24-10783 & 24-10784

Issuance of Licenses

Dear Water Right Holder(s):

The Department of Water Resources (IDWR) has enclosed amended water right licenses for the water right nos. referenced above. The amended licenses correct one of the names listed as water right holder, and are final orders issued by IDWR pursuant to Rule 760 of IDWR's Rules of Procedure (IDAPA 37.01.01). The amended water right licenses supersede the licenses issued on August 23, 2017. **If you disagree with these final orders, you can petition for reconsideration, request a hearing, or appeal to district court as further described in the enclosed information sheet.**

If you have any questions, please contact me at 208-287-4951.

Sincerely,

Pamela Skaggs, Water Rights Supervisor
Water Right Permits Section

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2017 I mailed true and correct copies, postage prepaid, of the foregoing **FINAL ORDERS** (Approved Licenses) to the person(s) listed below:

RE: WATER RIGHT NOS.

24-10783 & 24-10784

**FREDERICK LOUIS SCARLETT
PO BOX 3715
JACKSON WY 83001**

**GRIFFIN BENJAMIN SCARLETT
PO BOX 3715
JACKSON WY 83001**



Darla Block
Technical Records Specialist

EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER

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

(Required by Rule of Procedure 740.02)

The accompanying order is a "**Final Order**" issued by the department pursuant to section 67-5246, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order as shown on the certificate of service. **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 67-5246(4), Idaho Code.

REQUEST FOR HEARING

Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person who is aggrieved by the action of the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the action. The person shall file with the director, within fifteen (15) days after receipt of written notice of the action issued by the director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the director and requesting a hearing. See section 42-1701A(3), Idaho Code. **Note: The request must be received by the Department within this fifteen (15) day period.**

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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: a) the service date of the final order, b) the service date of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: September 15, 2017
To: Shelley Keen
From: Scott Stosich
Re: Name Change for Licensed WR 24-10783 and 24-10784

Mr. Louis Scarlett visited the Eastern Regional Office on September 7, 2017 to discuss his recent licensing of water rights 24-10783 and 24-10784. The permit application that was submitted to our office, and subsequently the license he received, incorrectly listed the name of his son as "Benjamin Griffin Scarlett" rather than "Griffin Benjamin Scarlett". After he noticed the mistake, Louis came to our office to discuss his options to correct this one day after the 14-day preliminary order period ended, making his license a final order.

After a conversation with Louis confirming the correct name, and with evidence from another water right (24-4006, which has recorded Frederick Louis Scarlett and his son, Griffin B Scarlett, as the current owners), I am convinced "Benjamin Griffin Scarlett" and "Griffin Benjamin Scarlett" are indeed the same person and that Mr. Scarlett is telling the truth about the mistake.

With directions from Shelley Keen, I have provided two new drafts of licenses 24-10783 and 24-10784 to be approved and to update our records of the proper owner's names.