

RECEIVED
FORM 202 Rev. 09/16

MAR 13 2017

DEPARTMENT OF
WATER RESOURCES

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

Ident. No. 74-16071

AMENDED

1. Name of applicant(s) CECIL T JACKSON, JUDITH A BAILEY-JACKSON Phone 208-756-2429
Name connector (check one): ☐ and ☐ or ☒ and/or

Mailing address 1705 LEMHI RD City SALMON

State ID ZIP 83467 Email ctjbj@centurytel.net

2. Name of representative, if any _____ Phone _____

Mailing address _____ City _____

State _____ ZIP _____ Email _____

a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☐ Send original correspondence to the applicant and copies to the representative.

b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.

3. Source of water supply SPRINGS which is a tributary of SINKS Lemhi River 5/11/17

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
20N	24E	30		NE	NW	SE	LEMHI	SPRINGS	

5. Water will be used for the following purposes:

Amount 0.04 for STOCKWATER purposes from 01/01 to 12/31 (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)

6. Total quantity to be appropriated is (a) .02 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

7. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. springbox to pipeline to trough

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 12. For dams 10 feet or more in height AND having a 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. _____

For Department Use

Received by [Signature] Date _____ Time _____ Preliminary check by DAV
Fee \$ 100.00 Receipted by D. Helison Receipt No. C103171 Date 3/13/17

AMENDED

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in kW. _____
- Stockwatering; list number and kind of livestock. 120 beef cattle and horses
- Municipal; must complete and attach the Municipal Water Right Application Checklist.
- Domestic; show number of households _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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.

of 5/11/17 2008

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	24E	30																	

Total number of acres to be irrigated: _____

10. 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? _____

11. 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: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. The spring was developed as an alternate source of stock water to maintain riparian area around Lemhi River.

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

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

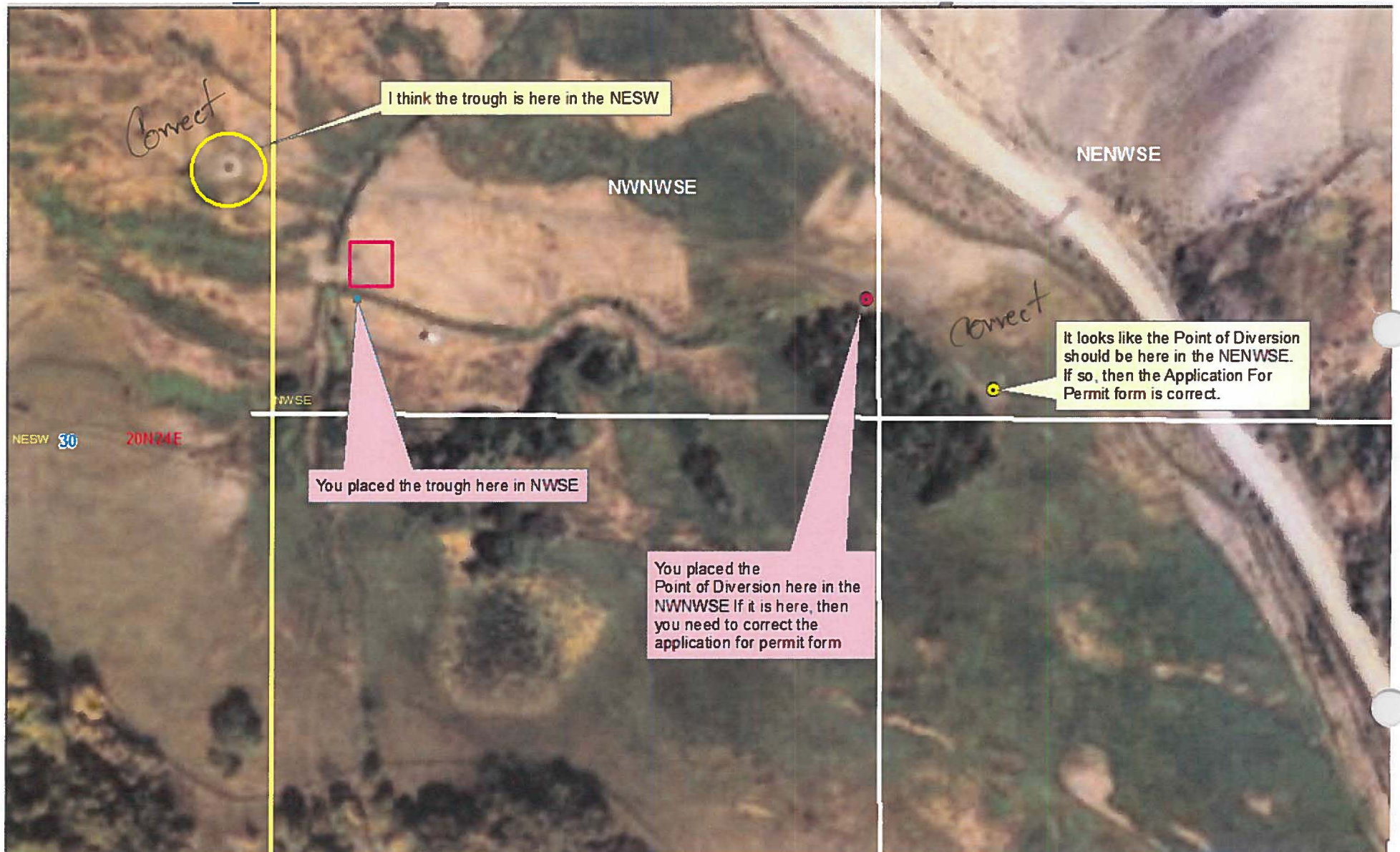
The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

Cecil T. Jackson
Print Name (and title, if applicable)

Signature of Applicant

Judith A. Bailey-Jackson
Print Name (and title, if applicable)



This is larger version of the map on the previous page.

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

Ident. No. 74-16071

1. Name of applicant(s) CECIL T JACKSON, JUDITH A BAILEY-JACKSON Phone 208-756-2429
Name connector (check one): ☐ and ☐ or ☒ and/or
Mailing address 1705 LEMHI RD City SALMON
State ID ZIP 83467 Email ctjbj@centurytel.net

2. Name of representative, if any _____ Phone _____
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State _____ ZIP _____ Email _____

- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
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20N	24E	30		NE	NW	SE	LEMHI	SPRINGS	

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Amount .02 for STOCKWATER purposes from 01/01 to 12/31 (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)
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6. Total quantity to be appropriated is (a) .02 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

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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 12. For dams 10 feet or more in height AND having a 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. _____

For Department Use

Received by L. Jackson Date _____ Time _____ Preliminary check by DAV
Fee \$ 100.00 Received by D. Jackson Receipt No. C103171 Date 3/13/17

Superseded by Amended Application received 5-15-2017. es

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in kW. _____
- Stockwatering; list number and kind of livestock. 120 beef cattle and horses
- Municipal; must complete and attach the Municipal Water Right Application Checklist.
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TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	24E	30														S			

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Signature of Applicant

Cecil T. Jackson

Print Name (and title, if applicable)

Signature of Applicant

Judith A. Bailey-Jackson

Print Name (and title, if applicable)



The USDA, FSA Aerial Photography Field Office asks to be credited in derived products, USDA, FSA

Idaho Department of Water Resources Receipt

Receipt ID: C103171

Payment Amount \$250.00 Date Received 3/13/2017 3:44 PM Region STATE
Payment Type Check Check Number 6623
Payer JACKSON, CECIL T. - JUDITH A BAILEY-

Comments NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP FOR 74-15021 & 74-7391; APPLICATION FOR PERMIT AT 20N 24E 30 NENWSE LEMHI SPRINGS; AND APPLICATION FOR PERMIT AT 20N 24E 29 NWSWSW LEMHI COUNTY, SPRINGS IN THE NAMES OF CECIL T JACKSON, JUDITH A BAILEY-JACKSON

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	OWNERSHIP CHANGES/SECURITY INTERESTS	56140	0229	21		1155
\$200.00	PERMITS	56103	0229	21		1155



Signature Line (Department Representative)

Hersley, Jean

From: Hersley, Jean
Sent: Friday, May 26, 2017 10:30 AM
To: rhlegals@custertel.net
Subject: Applications for Permit
Attachments: Recorder Herald.doc

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean
May 26, 2017

208-756-2222 Page 1

Legal Notice Department

Recorder Herald
PO Box 310
Salmon ID 83467

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice 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, PO Box 83720, Boise, Idaho, 83720-0098 before June 19, 2017. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

Transmission Report

Date/Time
Local ID 1

05-26-2017
12082876700

09:54:10

Transmit Header Text
Local Name 1

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean
May 26, 2017

208-756-2222 Page 1

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PO Box 310
Salmon ID 83467

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Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

74-16070
JUDITH A BAILEY JACKSON
CECIL T JACKSON
1705 LEMHI RD
SALMON, ID 83467
Point of Diversion NWSWSW S29 T20N R24E LEMHI County
Source: SPRINGS Tributary SINKS
Use: STOCKWATER
01/01 to 12/31
0.02 CFS
Total Diversion:
0.02 CFS
Date Filed: 5/15/2017
Place Of Use: STOCKWATER
T20N R24E S30 SESE

This application proposes the diversion and use of water from a spring tributary to Kenney Creek a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for stockwater purposes.

74-16071
JUDITH A BAILEY JACKSON
CECIL T JACKSON
1705 LEMHI RD
SALMON, ID 83467
Point of Diversion NENWSE S30 T20N R24E LEMHI County
Source: SPRINGS Tributary LEMHI RIVER
Use: STOCKWATER
01/01 to 12/31
0.04 CFS
Total Diversion:
0.04 CFS
Date Filed: 5/17/2017
Place Of Use: STOCKWATER
T20N R24E S30 NESW

Total Pages Scanned : 2

Total Pages Confirmed : 2

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	358	2087562222	09:53:07 05-26-2017	00:00:20	2/2	1	EC	HS	CP21600

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fail
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct

Legal Notice Department

Recorder Herald
PO Box 310
Salmon ID 83467

RE: Legal Ad for your paper

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Technical Records Specialist II
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208-287-4942
jean.hersley@idwr.idaho.gov

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74-16070

JUDITH A BAILEY JACKSON

CECIL T JACKSON

1705 LEMHI RD

SALMON, ID 83467

Point of Diversion NWSWSW S29 T20N R24E LEMHI County

Source SPRINGS Tributary SINKS

Use: STOCKWATER

01/01 to 12/31

0.02 CFS

Total Diversion:

0.02 CFS

Date Filed: 5/15/2017

Place Of Use: STOCKWATER

T20N R24E S30 SESE

This application proposes the diversion and use of water from a spring tributary to Kenney Creek a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for stockwater purposes.

74-16071

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CECIL T JACKSON

1705 LEMHI RD

SALMON, ID 83467

Point of Diversion NENWSE S30 T20N R24E LEMHI County

Source SPRINGS Tributary LEMHI RIVER

Use: STOCKWATER

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 5/17/2017

Place Of Use: STOCKWATER

T20N R24E S30 NESW

This application proposes the diversion and use of water from a spring tributary to Lemhi River a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for stockwater purposes.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the State office at (208) 287-4800; or for a full description of the right(s), please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of these applications must be filed with the Director, Dept. of Water Resources, State Office, 322 E Front St, PO Box 83720, Boise, ID 83720 together with a protest fee of \$25.00 for each application on or before 6/19/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/1/2017 and 6/8/2017



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

May 26, 2017

JUDITH A BAILEY JACKSON
CECIL T JACKSON
1705 LEMHI RD
SALMON, ID 83467

Application For Permit No. 74-16070 & 74-16071

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 RECORDER HERALD on 6/1/2017 and 6/8/2017. 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 cursive script that reads "Jean Hersley". The signature is written in dark ink and is positioned above the printed name and title.

Jean Hersley
Technical Records Specialist

Hersley, Jean

From: Hersley, Jean
Sent: Friday, May 26, 2017 10:32 AM
To: Yenter, Cindy; Clark, Cynthia (Bridge)
Subject: Applications for Permit 74-16070 & 74-16071

These applications will be advertised on June 1st and 8th . Documents will be scanned by the end of the day. Please let the state office know if you have any comments or concerns. If you would like to file a formal protest the protest deadline is June 19, 2017.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*



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

May 26, 2017

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY
900 NORTH SKYLINE SUITE B
IDAHO FALLS ID 83402

RE: Application for Permit No.: 74-16070 & 74-16071

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications for permit. You can find copies of the applications at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the applications as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

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

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s)



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

May 26, 2017

RICK SAGER
WATER DISTRICT #74
985 HWY 28
SALMON ID 83467

RE: Application for Permit: 74-16070 & 74-16071

Dear Watermaster:

The Department of Water Resources is seeking written comment and/or recommendations from you regarding the above referenced water right applications for permit. You can find a copy of the applications at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the applications are approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to these applications should be specifically addressed in your recommendation.

IDWR's offices can finish reviewing an unprotested applications as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the applications and that you have no comments for IDWR to consider.

Sincerely,

Jean Hersley
Technical Records Specialist

Enclosure(s)

State of Idaho
Department of Water Resources
Application for Permit

RECOMMENDATION FORM

Application No.: 74-16067

Applicant's Name:
CECIL T JACKSON & JUDITH A BAILEY JACKSON

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this _____ day of _____, 2017

Water District No. 74

Watermaster's Signature _____



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

May 26, 2017

IDAHO DEPARTMENT OF FISH & GAME
ATTN: TOM BASSISTA
4279 COMMERCE WAY
IDAHO FALLS ID 83401

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Jean Hersley', written over a horizontal line.

Jean Hersley
Technical Records Specialist II

Enclosure(s)

c: Dept of Fish & Game- Salmon office

MEMORANDUM

Date: May 17, 2017
To: Water Right File 74-16071
From: Daniel Nelson, Water Right Analyst
Re: Application Review

Applicant

Tax parcel data show the property for the point of diversion and the place of use are owned by Cecil Jackson. Judith A. Baily-Jackson doesn't appear on the tax parcel data, but I assume Ms. Baily-Jackson is Cecil Jackson's wife.

Source & POD

The source is described in the application as being springs tributary to Sinks. Review of aerial imagery suggest that these springs are tributary to Lemhi River. The spring area appears to have a distinct channel flowing to the Lemhi River. A ditch has intercepted the channel, but that ditch also flows into the Lemhi River. An overlapping water right on the same spring also lists the spring as being tributary to the Lemhi River. With or without the ditch, I believe this spring flows down a channel to the Lemhi River. I contacted the applicant and provided him with a map. The applicant agreed that the spring is tributary to the Lemhi River as stated in water right 74-15984 previously filed on this spring.

The application states that the point of diversion is in the NENWSE of Section 30 in Township 20 North, Range 24 East. The point of diversion is very close to the center of the 40 acre tract, but using the measuring tool, it appears as though the spring is actually in the NWNWSE. I sent a map to the permit holder with the 10 acre tract lines drawn into the map. The point of diversion marked on the map in the original application was in the wrong location. He corrected the application.

Water Use

The water use is described as stockwater for 120 head of beef cattle and horses. The applicant requested 0.02 cfs, but Application Processing Administrative Memorandum #3 allows up to 0.05 cfs for 101 to 200 head. This application is in the Wild and Scenic area, so to stay true to Subordination Clause in Application Processing Administrative Memorandum #70, the diversion rate should be limited to 0.04 cfs as defined in Idaho Code § 42-111. I gave the applicant the option of changing the diversion rate to 0.04 cfs, and informed him that it would advance the priority date to date we received the amended application back. The applicant decided he would like to amend the application and take the increase in priority date. The diversion rate on the permit will be advanced to May 15, 2017, the date we received the amended application back from the applicant.

POU

The place of use is correctly described in the application. I have no issues with the place of use.

POU/POD overlap analysis

There is only one overlapping point of diversion in this 40 acre tract. That diversion point is for a Notice of Diversion as an Alternate to Instream Stockwater Use that described as statutory claim 74-15984 in the database. This notice lists a spring tributary to the Lemhi River in the same general area. The place of use for this notice is in the adjacent 40 acre tract (NESW). Claim 74-15984 is in the name of Frances B. Tonsmeire, and not the applicant. I spoke with the applicant concerning the 74-1584. The applicant stated he didn't think that 74-15984 was valid, since it was not developed at the time the notice was filed, but was only put into use a few years ago. The applicant stated that he was concerned about 74-15984 being limited in the future, so he wanted to move forward with this applicant, and he accepts the need to have a condition that will limit the two water rights to 0.04 cfs and 13,000 gpd when they are combined.

There are 3 irrigation rights from Kenney Creek that are in the same 40 acre tract as this application. Two of these rights, 74-666 and 74-15639, are owed by the applicant. Only water right 74-15639 is a direct overlap of the place of use, but as stated earlier, 74-15639 is an irrigation right and shouldn't affect this permit.

Letter Of Intent Response

The applicant responded to the letter of intent inquiry on May 15, 2017. He stated in his response that he believed that developing the water troughs away from the spring and river would prevent damage to the riparian area provide better habitat to the endangered species in the river. He also informed me that he was assisted in the building of these systems by one of the environmental groups in the area for the purpose of moving the cattle away from the riparian areas.

Conditions

This permit should include the standard conditions for applications in the Wild and Scenic regulatory area. These conditions are N13, X35, R05, 029, 01P, and X02. The X35 condition will limit the stockwater use when the two rights are combined to 0.04 cfs and 13,000 gpd.

The following advertising comment will also need to be included:

This application proposes the diversion and use of water from a spring tributary to Kenny Creek of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for stockwater purposes.

RECEIVED

MAY 15 2017

DEPARTMENT OF
WATER RESOURCES

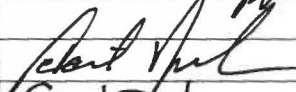
5/11/17

Daniel Nelson
Water Right Analyst 3
IDWR

Dear Daniel,

In response to the public interest letter concerning our application for 74-16070 and 74-16071, I would like to state that I believe these applications to be in the public interest. The purpose of developing these springs for stockwater use is to maintain riparian areas free from cattle. The use of these springs allows us to do so. Without the use of these springs we would further degrade stream banks and riparian areas to the detriment of ESA species.

Thank-you very much in your help with these applications


Cecil Jackson



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 2, 2017

JUDITH A BAILEY-JACKSON
CECIL T JACKSON
1705 LEMHI RD
SALMON ID 83467

RE: Corrections to Applications 74-16070 and 74-16071

Dear Mr. and Ms. Jackson:

We have discussed your applications for permits 74-16070 and 74-16071 by email and telephone over the last few weeks. I have attached copies of your applications to reflect those discussions, and I have also included the local public interest letter for your response. Please review the information included with this letter and make the corrections you deem necessary. I will go through each attachment separately below:

Permit 74-16070:

- 1.) On this permit, you described the spring tributary as sinks. The spring is actually tributary to Kenney Creek. Please make that correction, initial the correction, and date the correction.
- 2.) You listed the diversion rate for this permit as 0.02 cfs. For 120 head of livestock under the domestic stockwater use, you can have up to 0.04 cfs. If you make this change it will advance the priority date of the permit to the date I receive the corrected application back, so it may not be something that you want to do. I will leave that decision up to you. If you do make that correction, initial the correction, and date the correction.

Permit 74-76071:

- 1.) On this permit, you described the spring tributary as sinks. The spring is actually tributary to the Lemhi River. Please make that correction, initial the correction, and date the correction.
- 3.) You also described the point of diversion as being in the NE quarter of the NW quarter of the SE quarter of Section 30 in Township 20 North, Range 24 East. However, on your map it appears as though the point of diversion is in the NW ¼ NW ¼ SE ¼ of Section 30. In reviewing the maps, I believe the legal description on the permit form is correct, and the map is incorrect. However, I have supplied you with 2 aerial photo maps showing the maps point of diversion and the point of diversion I believe is correct. Please review the maps and let me know if my assessment is correct, or if the location marked on the map is correct. If the location marked on the map is correct, you will need to correct the legal description in Section 4 on the application for permit form. On this permit, you described the spring tributary as sinks. If you decide to correct the application for permit form, please make that correction, initial the correction, and date the correction.

- 4.) You listed the diversion rate for this permit as 0.02 cfs. For 120 head of livestock under the domestic stockwater use, you can have up to 0.04 cfs. If you make this change it will advance the priority date of the permit to the date I receive the corrected application back, so it may not be something that you want to do. I will leave that decision up to you. If you do make that correction, initial the correction, and date the correction.
- 5.) On the second page of your application in Section 9, you list the place of use or the location of the water trough as being in the NW ¼ of the SE ¼ of Section 30. In our discussions on the telephone and through my review of the aerial photography, it looks like the water trough is actually in the NE ¼ of the SW ¼ of Section 30. Please review the aerial photos I have included with this letter and let me know if the location I highlighted is correct or not. If I am correct, please place an "S" in the appropriate box on the form. If you do make that correction, initial the correction, and date the correction.

Local Public Interest Letter:

The last attachment to this letter is the Local Public Interest letter I spoke to you about. Please read the letter carefully, and give the appropriate response to the letter.

Please make the needed corrections and provide the appropriate responses within the next 30 days or by June 2, 2017. If we do not receive this information by that time, we may process the applications as they were originally submitted or void the applications. If we do move forward with processing of these applications without the above clarifications, it could result in the permits requiring an amendment later on, which would cost an additional \$100.00 per application if they are not correct.

If you have any questions, please don't hesitate to contact me.

Respectfully;



Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Email: dan.nelson@idwr.idaho.gov
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

Attachments : Copy of Front Page of Application 74-16070
Copy of Application 74-16071
Local Public Interest Letter



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 2, 2017

JUDITH A BAILEY JACKSON
CECIL T JACKSON
1705 LEMHI RD
SALMON ID 83467

RE: Applications to Appropriate Water in the Upper Salmon River Basin 74-16070 and
74-16071

Dear Water Right Applicant:

The Department of Water Resources' (IDWR) records show you filed an application to establish a new use of water in the upper Salmon River basin. Idaho Code § 42-203A(5) requires IDWR to determine whether each water right application satisfies all the criteria necessary for appropriating water in Idaho. One statutory criterion requires IDWR to determine the local public interest relative to the proposed water use. Idaho Code § 42-202B(3) defines the local public interest as "the interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource." The local public interest has many facets, including the effects of a proposed water use on aquatic habitat for fish and wildlife resources.

The upper Salmon River basin is home to stocks of chinook salmon, sockeye salmon, steelhead trout, and bull trout, all of which are listed as threatened or endangered under the Endangered Species Act (ESA). Since the early 1990s, local water users, conservation districts, and federal and state agencies have cooperated to implement conservation measures intended to protect and restore habitat for ESA-listed species in the upper Salmon River watershed. For example, at the request of local water users the Idaho Legislature directed the Idaho Water Resource Board (IWRB) to establish a minimum stream flow in the lower Lemhi River for fish passage. The minimum stream flow is maintained through a water supply bank and temporary or permanent acquisition of additional water supplies by willing buyers from willing sellers.

Pursuant to the Snake River Water Rights Agreement of 2004, Idaho has been developing a long term conservation plan for the benefit of ESA-listed species in the Lemhi River basin. Improving conditions in flow-limited river reaches and streams is a fundamental component of the Lemhi plan. In addition to IDWR, numerous state agencies, including the Office of Species Conservation, Idaho Department of Fish and Game, Idaho Department of Environmental Quality, Idaho Soil and Water Conservation Commission, and Idaho Department of Lands, have committed and continue to commit significant resources toward this objective under the following programs:

- Columbia Basin Water Transactions Program
- National Marine Fisheries Service Pacific Coastal Salmon Recovery Fund
- U. S. Fish & Wildlife Service Aquatic Species Conservation Fund
- Salmon and Clearwater River Basins Habitat Fund
- 2008 Columbia Basin Fish Accords

Letter to Upper Salmon River Basin Water Right Applicants

A myriad of habitat restoration projects are being constructed/implemented in other parts of the upper Salmon River basin. These projects have been coordinated with the local communities and water users through the Upper Salmon River Basin Watershed Program and predecessor programs, including the model watersheds. Furthermore, the Snake River Water Rights Agreement of 2004 contemplates the development of additional conservation plans for other upper Salmon River basin watersheds. Accordingly, the draft Comprehensive State Water Plan under revision by the IWRB contains policies for the Salmon River basin that focus on the protection and restoration of instream habitat for ESA-listed species through voluntary participation in conservation programs.

Because of the ESA-listed species recovery efforts in the upper Salmon River basin, IDWR must determine on a case-by-case basis whether it is in the local public interest to authorize proposed water uses that would further deplete flow-limited stream reaches.

Pursuant to Rule 40.04.c of the Water Appropriation Rules (IDAPA 37.03.08.040.04.c), the applicant has the ultimate burden of persuasion regarding the items that must be evaluated in connection with each water right application. Before proceeding further with your application, IDWR requests you submit additional information about how your proposal invokes any local public interest concerns for ESA species recovery.

Within 30 days, please submit any additional information you believe IDWR may need to evaluate and determine the local public interest in the water you propose to divert and use. If IDWR has not received a response from you within 30 days, IDWR will assume you have no comment regarding the local public interest, and processing of your application will resume with the information currently on file. Processing will include public notice and the potential for formal protests by other interested parties. Applications that are not in the local public interest will be denied. If you wish to withdraw your application before it is processed, please notify IDWR in writing.

If you have any questions, please call me at 208-287-4951, or email me at pam.skaggs@idwr.idaho.gov.

Sincerely,



Pamela Skaggs
Water Rights Supervisor

Enclosure: Copy of Application

Nelson, Dan

From: ctjbj@centurytel.net
Sent: Sunday, April 30, 2017 4:35 PM
To: Nelson, Dan
Subject: Re: Stockwater Applications for Permit

Dan,
Sorry this took so long, hopefully these are the correct numbers:
Lemhi (western most) 45.031426 North, 113.670717 West
Kenny creek (eastern most) 45.029968 North, 113.648400 West
Cecil

From: "Dan Nelson" <Dan.Nelson@idwr.idaho.gov>
To: ctjbj@centurytel.net
Sent: Friday, April 28, 2017 10:11:25 AM
Subject: RE: Stockwater Applications for Permit

Dear Mr. Jackson,

I haven't received the GPS coordinates you were going to take of the points of diversion. Would you like me to leave the points of diversion where they are on the maps and send the application back to you, or are you still planning on GPS'ing the springs? Typically, we allow 30 days to supply additional information, so I am going to need to send the permit back next week for the corrections described in the email below and the Local Public Interest letter also described in the email. Please let me know if there is anything I can do to help.

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: ctjbj@centurytel.net [mailto:ctjbj@centurytel.net]
Sent: Monday, April 03, 2017 4:12 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: Re: Stockwater Applications for Permit

Dan,
Correct address! The body of the e-mail does seem to cover our conversation well. As soon as I have the co-ordinates I will send them your way.
Cecil

From: "Dan Nelson" <Dan.Nelson@idwr.idaho.gov>
To: ctjbj@centurytel.net
Sent: Monday, April 3, 2017 11:58:21 AM
Subject: RE: Stockwater Applications for Permit

Dear Mr. Jackson,

I sent this email to the wrong address. I am trying again.

Dan Nelson

Dear Mr. Jackson,

I am using this email to give you a link to my email address, and to go over what we spoke about in our telephone conversation today, March 30, 2017.

The first thing we spoke about was the Notice of Instream Stockwater (Notice) right that overlaps the current system near the Lemhi River. You informed me that the system was put into use until a few of years ago, and you were not sure if the Notice covered the improvements since the it was accomplished at the time the notice was filed. We agreed that it would be best to move forward with this application for permit to ensure you have a water right for the stockwater use at this location. I will include a condition that limits the use when the existing use and this application are combined to a single water use. This will allow you to pursue the Notice if an adjudication for these types of uses are ever pursued in this area, but it will allow the application use to be recognized as valid water right once it is licensed. This application is basically a backup of the original Notice if it is ever disputed.

The second thing we spoke about is that both of the applications lists the springs as being tributary to sinks. I notice in my review of the Notice, that they are probably tributary to the streams that run next to them. One of the applications is tributary to the Lemhi and the other is tributary to Kenney Creek. We agreed that I would send a copy of the application for permit back to you to correct, and you will initial and date the application and return it to me with your response to the Local Public Interest (LPI) letter that I will be sending you once we get the applications squared away.

I also spoke to you about changing the diversion rate from 0.02 cfs (9gpm) to 0.04 cfs. This will change the priority date of your application, but it would give you a higher diversion rate. We can allow up to 0.04 cfs, so if you are not concerned about the priority date, the 0.04 cfs may be in your best interest. It all depends on the amount of water you are delivering to the stockwater tanks. If you are delivery 9 gallons per minute or less, than I would not change them, but if you delivering more than the 9 gallons per minute, I would suggest you increase the rate to 0.04 cfs. There is not fee for this change.

The last thing that we spoke about was the location of the spring was very close to the 10 acre tract line. We agreed that you would GPS the springs, and email me the coordinates, and I would place them on our mapping program. This will allow us to nail down the location of the springs and make sure we have the location correct, so we do not have to do an amendment in the future to correct the spring location. You explained that the springs diversion is constructed with a buried collection pipe that is piped approximately 100 feet to a control box, and then to the water troughs. I told you should GPS the location of the buried collection pipe instead of the control box.

I hope I have captured everything that we spoke about in this email. If you have anything else you want to add to the information above, please don't hesitate to email me back with anything you disagree with or wish to add. If you have additional questions, please don't hesitate to contact me. If I don't receive the GPS coordinates in the next 14 days or so, I will send you a reminder email.

Thank you very much for your cooperation and desire to get the applications filed correctly. I really do appreciate the help to make sure these applications meet all of your needs.

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)