

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)	
FOR PERMIT NO. 51-13107)	PRELIMINARY ORDER
IN THE NAME OF PETER AND/OR)	VOIDING APPLICATION
RUTH JACKSON JR.)	
_____)	

FINDINGS OF FACT

1. On February 13, 2014, Peter and/or Ruth Jackson Jr. filed an application for permit with the Idaho Department of Water Resources (IDWR).
2. IDWR sought additional information from the applicants on March 4, 2014. The applicants were provided up to sixty (60) days in which to respond. The request for information specified the application would be voided without a timely response.
3. The applicants failed to provide the requested information.

CONCLUSIONS OF LAW

1. Section 42-204, Idaho Code, and Water Appropriation Rule 35.01 authorize IDWR to void an application if an applicant fails to provide the requested information.
2. The application should be voided.

ORDER

IT IS HEREBY ORDERED that Application for Permit No. 51-13107 in the name of Peter and/or Ruth Jackson Jr. is VOIDED.

Dated this 17th day of June, 2014



for John Westra
Manager, Western Regional Office

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of June, 2014, I mailed a true and correct copy of the foregoing Preliminary Order to the person(s) listed below:



Crystal Nute
Office Specialist II

PETER AND/OR RUTH JACKSON JR
51800 JT LANE
RIDDLE ID 83604

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.

RECEIVED

FEB 13 2014

WATER RESOURCES
WESTERN REGION

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 51-13107

1. Name of applicant(s) Peter r/r Ruth Jackson Jr. Phone 208-759-3249
Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address 51800 JT Lane City Riddle
State ID Zip 83604 Email riddleranches@yahoo.com

2. Source of water supply unnamed drain which is a tributary of Bruneau River
3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
6S	6E	31		SE	NW	NE	Owyhee	unnamed drain	
				SW	Pff	3/24/14			

4. Water will be used for the following purposes:

Amount 1.0 for irrigation purposes from 3/1 to 11/15 (both dates inclusive)
(cfs or acre-feet per year)

Amount .08 for Stock Water purposes from 1/1 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)

5. Total quantity to be appropriated is (a) 1.08 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. concrete diversion box
underground 8" pipe, to sump & pump

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. _____

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WATER RESOURCES
WESTERN REGION

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	
6S	6E	31	40	40															80

Total number of acres to be irrigated: 80

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?

Bruneau Buckaroo Ditch Shares

10. a. Who owns the property at the point of diversion? Applicants
- b. Who owns the land to be irrigated or place of use? Applicants
- 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.

Unnamed drain was developed by prior owners to drain sub surface water from property.

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

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" 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.

X Peter Jackson Jr
Signature of Applicant

Signature of Applicant

X Peter Jackson Jr
Print Name (and title, if applicable)

Print Name (and title, if applicable)

For Department Use:

Received by CW Date 2/13/2014 Time 2:30 PM Preliminary check by AM
Fee \$ 250. Received by CW Receipt No. W041847 Date 2/13/2014



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WATER RESOURCES
WESTERN REGION

ORIGINAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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 State ID Zip 83604 Email riddleranches@yahoo.com
2. Source of water supply unnamed drain which is a tributary of Bruneau River
3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
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4. Water will be used for the following purposes:
 Amount 1.0 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)
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 - 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
 - Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
 - If well is already drilled, when? _____; drilling firm _____;
 well was drilled for (well owner) _____; Drilling Permit No. _____.
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 - Stockwatering; list number and kind of livestock. _____
 - Municipal; complete and attach the Municipal Water Right Application Checklist.
 - Domestic; show number of households _____
 - Other; describe fully. _____

SUPERCEDED BY AMENDED APP RECEIVED 3/31/2014. -AR



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 4, 2014

RUTH AND/OR PETER JACKSON JR
51800 JT LANE
RIDDLE ID 83604

Re: Application for Permit 51-13107

Dear Applicant:

You recently filed a water right application with the Idaho Department of Water Resources (IDWR) proposing to divert waste water from a drain for irrigation. IDWR must determine if the water you wish to appropriate is waste water available for appropriation or whether it is "live" water under control of an irrigation delivery organization to satisfy downstream users. The irrigation organization(s) in your area appears to be Bruneau Buckaroo Co-Op Ditch Co.

The waste water status in your area can be determined by providing written consent from the correct irrigation delivery organization confirming if the water does nor does not remain under its control for other users. Also, please provide written confirmation of a right-of-way to use the waste ditch or waste drain if that conveyance is owned by the organization or by some other person or entity.

Please provide the requested information within sixty (60) days. You may request up to six months additional time if necessary. You may withdraw the application by returning the enclosed withdrawal form if you prefer. The application will be voided without a timely written response. Refunds are not issued for voided applications.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to these matters.

Sincerely,

Angela M. Grimm, P.G.
Water Resource Agent, Sr.

Enclosure(s): Withdrawal of Application for Permit Form