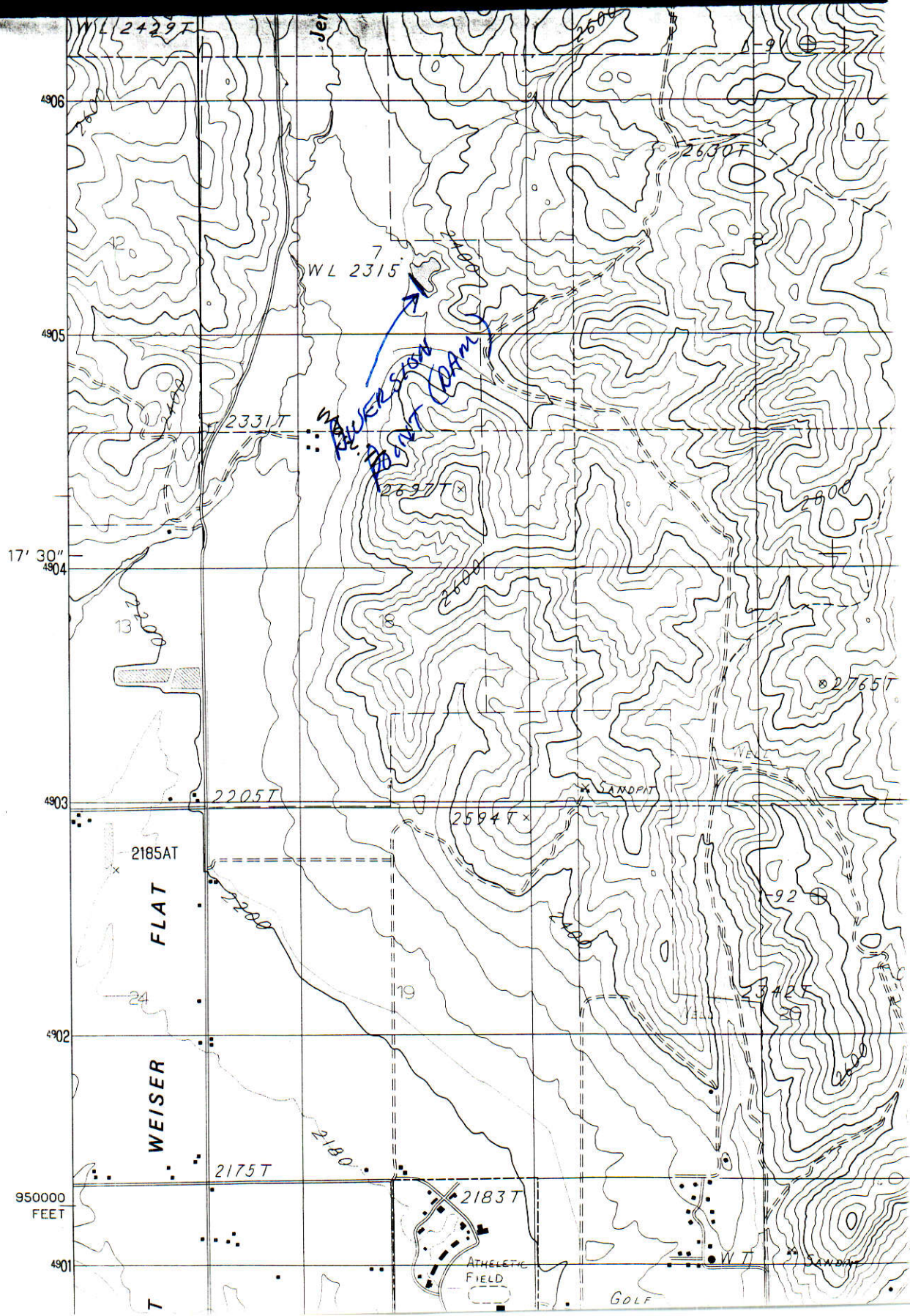




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 67-14247
Date Received: 1/18/01
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s): DOUBLE C & J LAND CO INC Phone: (208)549-1232
990 JENKINS CREEK RD
WEISER ID USA 83672

2. Date of Priority: 03/01/1905

3. Source: UNNAMED STREAMS Trib. to: JENKINS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
11N	06W	7	NW SE	WASHINGTON

5. Description of diverting works:

Earth dam, 45 AF, reservoir, pumps

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	9.06	
IRRIGATION STORAGE	01/01	12/31		45
IRRIGATION FROM STORAGE	03/15	11/15		45
DIVERSION TO STORAGE	01/01	12/31	9.06	

7. Total Quantity Appropriated is:
9.06 C.F.S. and/or 45 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	05W	6	NE SW		IRRIGATION	5
			SW SW		IRRIGATION	6
			SE SW		IRRIGATION	30
					Section Acres	41
11N	06W	7	NW SE		IRRIGATION	18
			SW SE		IRRIGATION	1
			NE NW		IRRIGATION	32
			NW NW		IRRIGATION	6
			SE NW		IRRIGATION	35
			NE SW		IRRIGATION	37
			NW SW		IRRIGATION	10
			SW SW		IRRIGATION	15
			SE SW		IRRIGATION	37
					Section Acres	191
11N	06W	18	NE NW		IRRIGATION	20
			NW NW		IRRIGATION	34
			SW NW		IRRIGATION	39
			SE NW		IRRIGATION	15
			NE SW		IRRIGATION	4
			NW SW		IRRIGATION	38
			SW SW		IRRIGATION	37
			SE SW		IRRIGATION	34
					Section Acres	221
					Total Acres	453

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Other Rights: A67-02097A & B, A67-02044
Reservoir locally known as Reservoir No. 1.

15. Basis of Claim: Beneficial Use

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 462-14247

Date Received 1/18/01

Receipt Number W027296

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) DOUBLE C+J LAND CO INC Phone (208) 549-1232

Mailing Address 990 JENKINS CR RD WEISER Zip 83672

2. Date of Priority (Only one (1) per claim) 3/1/1905

3. Source of water supply (a) UNNAMED STREAMS
which is tributary to (b) JENKINS CREEK

4. a. Location of existing point of diversion is: Township 17N Range 6W Section 7,
_____ 1/4 of NW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. EARTH DAM, 45 AF

RESERVOIR, PUMPS

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3/15 to 11/15 amount 9.06 or _____

For DIV to stor purposes from 1/1 to 12/31 amount 9.06 or _____

For IRR stor purposes from 1/1 to 12/31 amount _____ or 45

For IRR FR stor purposes from 3/15 to 11/15 amount _____ or 45

7. Total quantity claimed (a) 9.06 (cfs) and/or (b) 45 (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. 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 use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>11N</u>	<u>SW</u>	<u>6</u>									<u>5</u>		<u>6</u>	<u>30</u>					<u>41</u>
		<u>7</u>					<u>32</u>	<u>6</u>		<u>35</u>	<u>37</u>	<u>10</u>	<u>15</u>	<u>37</u>		<u>18</u>	<u>1</u>		<u>191</u>
		<u>18</u>					<u>20</u>	<u>34</u>	<u>39</u>	<u>15</u>	<u>4</u>	<u>38</u>	<u>37</u>	<u>34</u>					<u>221</u>

Total number of acres irrigated 453

11. In which county (ies) are lands listed above as place of use located? WASH

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
A67-02097A + B, A67-02044 or None ()

14. Remarks: RESERVOIR LOCALLY KNOWN A RESERVOIR #1

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President Title _____

of DOUBLE C+J LAND CO INC Organization _____, that I have signed the foregoing document in the space below as President Title _____ of DOUBLE C+J LAND CO Organization _____

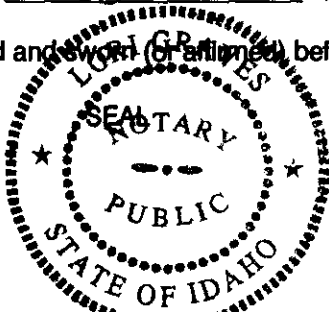
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent John D. Hoff

Title and Organization President Date 1/18/01

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 18th day of Jan 2001



Notary Public Loi G. Gorman

Residing at Boise

My Commission Expires 6/18/04

Please Print Name

17. Notice of Appearance.

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

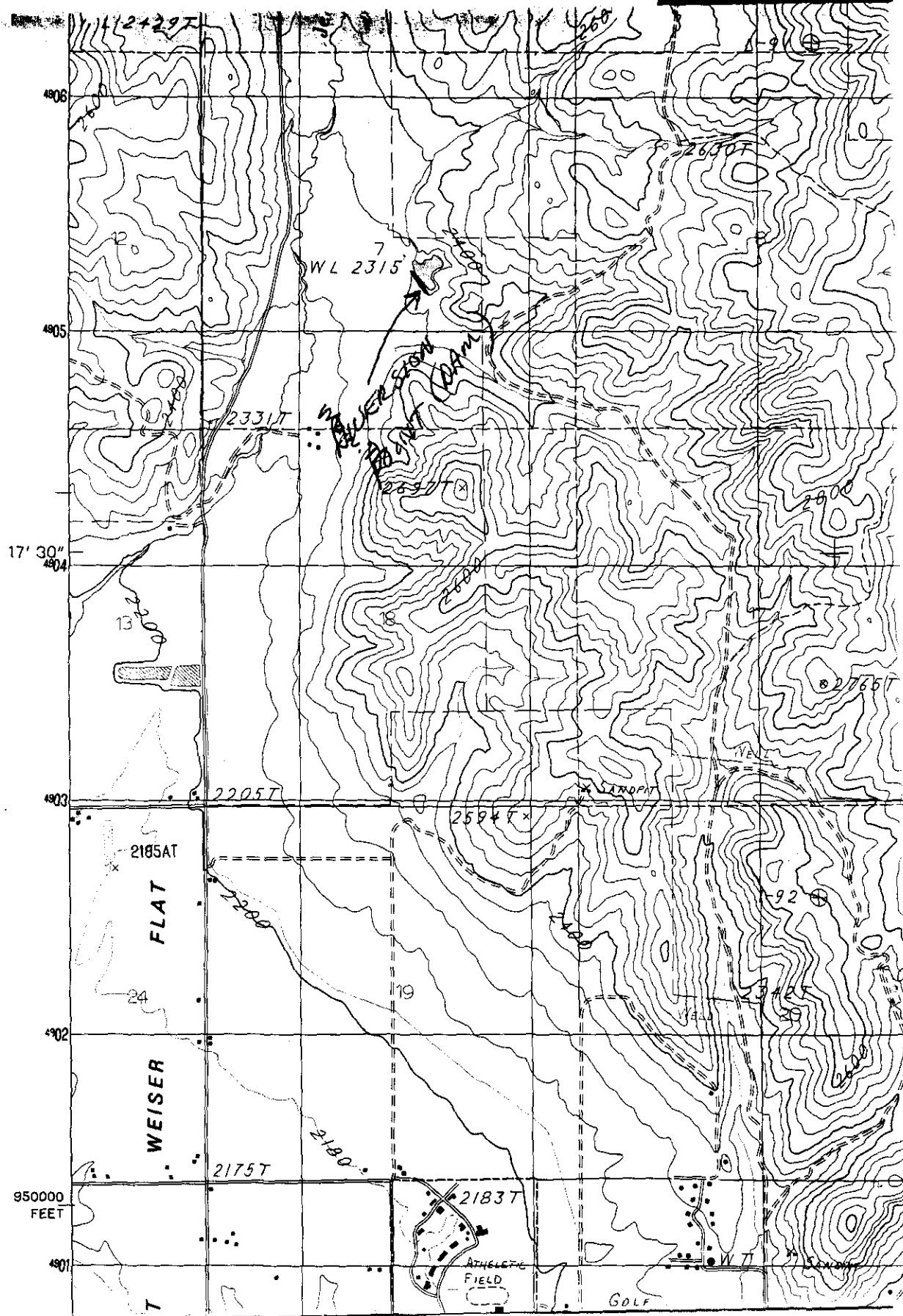
Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



FEBRUARY 19, 1992

WE, JOHN & GRACE MAINVIL, DO HEREBY PROTEST APPLICATION FOR PERMIT NO. 67-07886 IN THE NAME OF JAMES L. &/OR NELLIE R. ECKHARDT. THIS APPLICATION PROPOSES TO DIVERT 1.0 CFS OF WATER FROM JENKINS CREEK FOR THE IRRIGATION OF 50 ACRES.

WATER RIGHT NO.'S 67-02097A & 67-02097B ARE OUR WATER RIGHTS FROM JENKINS CREEK DATING BACK TO 1914. THESE RIGHTS COVER BOTH OUR STORAGE RIGHT AND LIVEFLOW DIVERSION RIGHT WHICH HAVE BEEN CONTINUOUSLY USED SINCE 1914 WITH NO EXCESS WATER AVAILABLE TO ANY ADDITIONAL ACRES. WE HAVE EVEN BEEN LIMITED ON THE TYPE OF CROPS RAISED DUE TO LACK OF WATER. ALSO, THE DIVERSION POINT SHOWN ON THE APPLICATION IS THE SAME DIVERSION POINT AND DITCH WE HAVE USED AND THAT HAS BEEN USED SINCE 1914 TO DELIVER OUR RIGHTS.

WE FEEL THAT APPROVAL OF THIS APPLICATION WOULD INJURE OUR USE OF THE HISTORICAL RIGHTS FROM JENKINS CREEK DUE TO THE FACT THAT THERE IS NOT ENOUGH WATER AVAILABLE FOR NEW APPROPRIATION EVEN IN NORMAL WATER YEARS AND ESPECIALLY IN THE RECENT DROUGHT YEARS.

John Mainvil *Grace Mainvil*
JOHN MAINVIL & GRACE MAINVIL
FEBRUARY 19, 1992

John Mainvil
990 Jenkins C. Rd
Weiser, Id. 83672

BEFORE THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 67-7886 IN THE NAME OF)
JAMES L. &/OR NELLIE R. ECKHARDT)

ORDER VOIDING
APPLICATION

This matter having come before the Idaho Department of Water Resources (Department) pursuant to a Notice of Pending Order Rejecting Application, the Department Finds, Concludes, and Orders as follows:

FINDINGS OF FACT

1. On January 8, 1992, James L. &/or Nellie R. Eckhardt filed with the Department application no. 67-7886 to appropriate water within Sec. 24 T12N, R6W, Washington County, Idaho. The water was proposed to be used for irrigation purposes.

2. The application was protested by John &/or Grace Mainvil. A conference was scheduled in April but was cancelled and the applicant agreed telephonically to withdraw the application.

3. On May 14, 1992, a Notice of Pending Order Rejecting Application for Permit was sent to the applicant. A withdrawal form was sent on May 22, 1992, per the applicants' request. There has been no response from the applicants.

ORDER VOIDING APPLICATION

- 1 -

CONCLUSIONS OF LAW

1. Pursuant to the provisions of Section 42-204, Idaho Code, the Director of the Department of Water Resources is empowered to void an application for which requested information is not received within thirty (30) days.

2. The applicants, James L. &/or Nellie R. Eckhardt have failed or refused to respond to requests from the Department to supply necessary information.

ORDER

IT IS HEREBY ORDERED that Application for Permit No. 67-7886 in the name of James L. &/or Nellie R. Eckhardt be VOIDED.

Dated this 27th day of October 1992.

L. Glen Saxton
L. GLEN SAXTON
Chief, Water Allocation Bureau

CERTIFICATE OF MAILING

I hereby certify that on this the 30th day of October, 1992, I mailed a true and correct copy, postage prepaid, of the Order Voiding Application to the applicant listed above.

Cindy Zimmerman

Ident. No. 67-07886

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: JAMES L. ECKHARDT 208-888-4734
Address: 247 THORNWOOD
MERIDIAN ID 83642
AND/OR
Name: NELLIE R. ECKHARDT 208-888-4734
Address: 247 THORNWOOD
MERIDIAN ID 83642

2. Source: JENKINS CREEK Trib. to: SNAKE RIVER
3. Location of Point of Diversion: SEENE Sec. 24, Township 12N, Range 06W
WASHINGTON County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	1.000		

5. Total quantity to be appropriated is:
1.000 CFS (and/or) AF

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
DITCH TO PUMPS TO HANDLINES
- Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
- Proposed well diameter is inches; proposed depth of well is
feet.
- Is groundwater with a temperature greater than 90F being sought? NO

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 years.

8. Description of proposed uses:
IRRIGATION

Ident. No. 67-07886
Page 2

9. Place of Use: IRRIGATION

TWN	RGE	S	AC	ACRES	ACRES	TOTAL
12N	05W	9	Lot 3 (NWSW)	8	Lot 4 (SWSW)	2
			CGW	4	SESE	40

Total number of acres irrigated: 50

10. Describe any other water rights used for the same purposes.

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. Remarks:

13. Map of proposed point of diversion and place of use attached? [X]

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

James L. Colburn
Applicant

Received by CH Date 1/8/92 Time 11:15 Preliminary check by CH

Fee \$ 45.00 Receipted by CH # 10013990 Date 1/8/92

Publication prepared by CG Date 1-29-92 Published in Weiser Signal
2/6 & 2/13/92

Publication approved AT Date 3-5-92

* DISTANCE WORKED 11/11/92 82

THE INTERMOUNTAIN INSTITUTE

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WEISER, IDAHO

Mr. 9th 28.

Mr. George W. Carter Commissioner of the Court
 of the State of New York
 Albany, N. Y.

requested to the bank in 1900. When I returned
 in 1901 for the International Institute - have passed
 before me. I think a note of explanation is due for
 the Institute was opened for study in 1900 with the hope
 of giving more people a chance to study without
 having to be willing to work for several students
 paid out money. But every student looked for

2.) hour every day which was supposed to pay all expenses for tuition, board, room, lights &c &c. The deficit which increased as the school grew - was raised by begging! A large part of every year I spent soliciting money from the friends of Education in all parts of the Country. Realizing that a large ranch would furnish work for the students and in other ways help support the school - a large tract of dry land was secured, the sage brush grubbed off and fenced. But we soon found that dry farming would not pay. We must irrigated. We first shared the Spring ranch - which had a water right in the Gila River. But this did not furnish water enough to irrigate the acres except during the flood water season early in the Spring! The order to save the flood water to me for irrigation later we did on a reservoir site and the flood water at Pichems Creek in 1905. The following year we completed a ditch about one mile in length to carry the flood water to the reservoir at a cost of not over \$2000. And this ditch was made large enough to carry from the reservoir 1000 cfs. We also began the construction of the reservoir dam and by the first of May could be found for the work. The dam is now about forty feet high and has cost less than \$1200. We have used the impounded water a part of each irrigation

3) reason on different parts of our lands - but all this water
surrounded would not infiltrate right down during the winter
summer! Looking to make our fields and apply water on the
field on the other side of the road and the dam and the
the construction of a ditch the two miles from the dam
into another dam on the other side of the dam for which we
to build the next dam. This ditch also we made large enough
to carry water into water channels, a half mile of the ditch was
through rock - and considerable money to sink was required for the
ditch. The exact amount expended on the ditch I have not
before me - but I know that not less than \$10,000 was expended
in the construction! The reservoir dam is about 40 feet high
is much lower than the other dam - and has a crest 200 feet
wide on the bottom. I estimate that not less than \$5,000 was
even expended upon this dam. We use the water in the
every year on different parts of our lands - but at the present
height of the dam all the water impounded in both reservoirs
5000 feet would not be sufficient to irrigate 100 acres during the whole
irrigation season! Finding this reservoir construction so expensive
we ceased work on the reservoirs and put in an electric
pump, being placed in the water, twenty feet from the

4.) Galloway ditch onto our Bench. We now have about
1000 Acres under irrigation but the pumping plant cost
a lot of money and the expense of pumping is about 6 per
acre. Had we put the money we paid out for the pumping
plant to the completion of the reservoir we could now have
cheap irrigation. We could not irrigate so much land but
we would save money! If you could forgive the long drawn out
explanation but I want you to know our exact situation
that you may understand the reason delay in completing our
reservoir etc. The affidavit you asked for has been sent to
your office and I secured a copy of the proof of Publication
from the "American" office which I supposed had been
sent to your office - give soon ago and more!

Very truly yours in the world's work -

Ed. Padlock,