

12/11/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-14246

NAME AND ADDRESS: DOUBLE C & J LAND CO INC
990 JENKINS CREEK RD
WEISER ID 83672

SOURCE: UNNAMED STREAM

TRIBUTARY: JENKINS CREEK

QUANTITY: 9.060 CFS

Right Nos. 67-2044, 67-2097A, 67-2097B, 67-4520, 67-14246, 67-14247
and 67-14251 are limited to a total combined diversion rate of 9.06 cfs.

PRIORITY DATE: 03/01/1905

POINT OF DIVERSION:

T11N R06W S6 NWNESW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	9.060 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T11N R05W S06	SENE	1.50	T11N R05W S06	NESW	10.00
T11N R05W S06 Lot 7	SWSW	6.00	T11N R05W S06	SESW	37.00
T11N R05W S07	NENW	35.00	T11N R05W S07 Lot 1	NWNW	6.00
T11N R05W S07 Lot 2	SWNW	1.50	T11N R05W S07	SENE	35.00
T11N R05W S07	NESW	37.00	T11N R05W S07 Lot 3	NWSW	10.00
T11N R05W S07 Lot 4	SWSW	19.00	T11N R05W S07	SESW	33.00
T11N R05W S07	NWSE	10.00	T11N R05W S07	SWSE	11.00
T11N R05W S18	NENW	15.00	T11N R05W S18 Lot 1	NWNW	30.00
T11N R05W S18 Lot 2	SWNW	40.00	T11N R05W S18	SENE	15.00
T11N R05W S18	NESW	1.00	T11N R05W S18 Lot 3	NWSW	40.00
T11N R05W S18 Lot 4	SWSW	40.00	T11N R05W S18	SESW	20.00

453 ACRES TOTAL

Right Nos. 67-2044, 67-2097A, 67-2097B, 67-4520, 67-14246, 67-14247
and 67-14251 are limited to the irrigation of a combined total of 453 acres in
a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Source locally known as Tar Gulch.

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no

later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Department of Water Resources



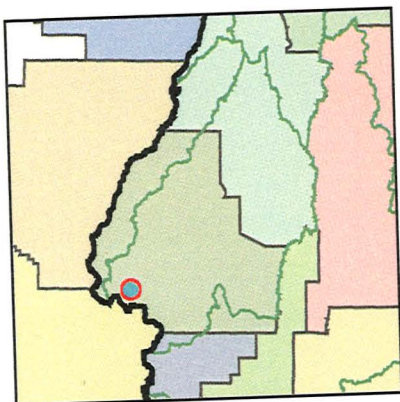
SRBA Recommendation:

67-14246

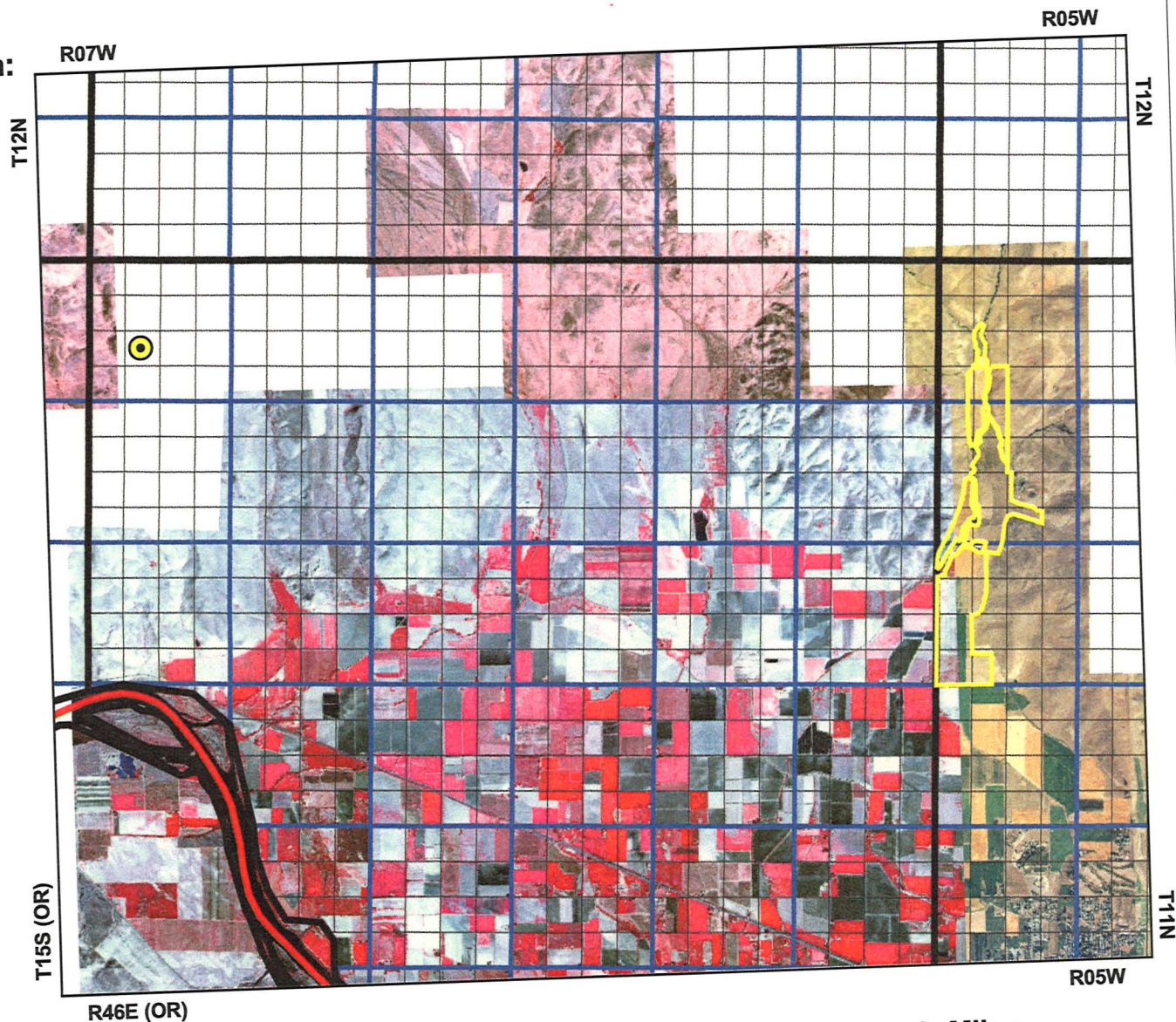
(Irrigation)

Legend

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



Washington County
IDWR Basin 67



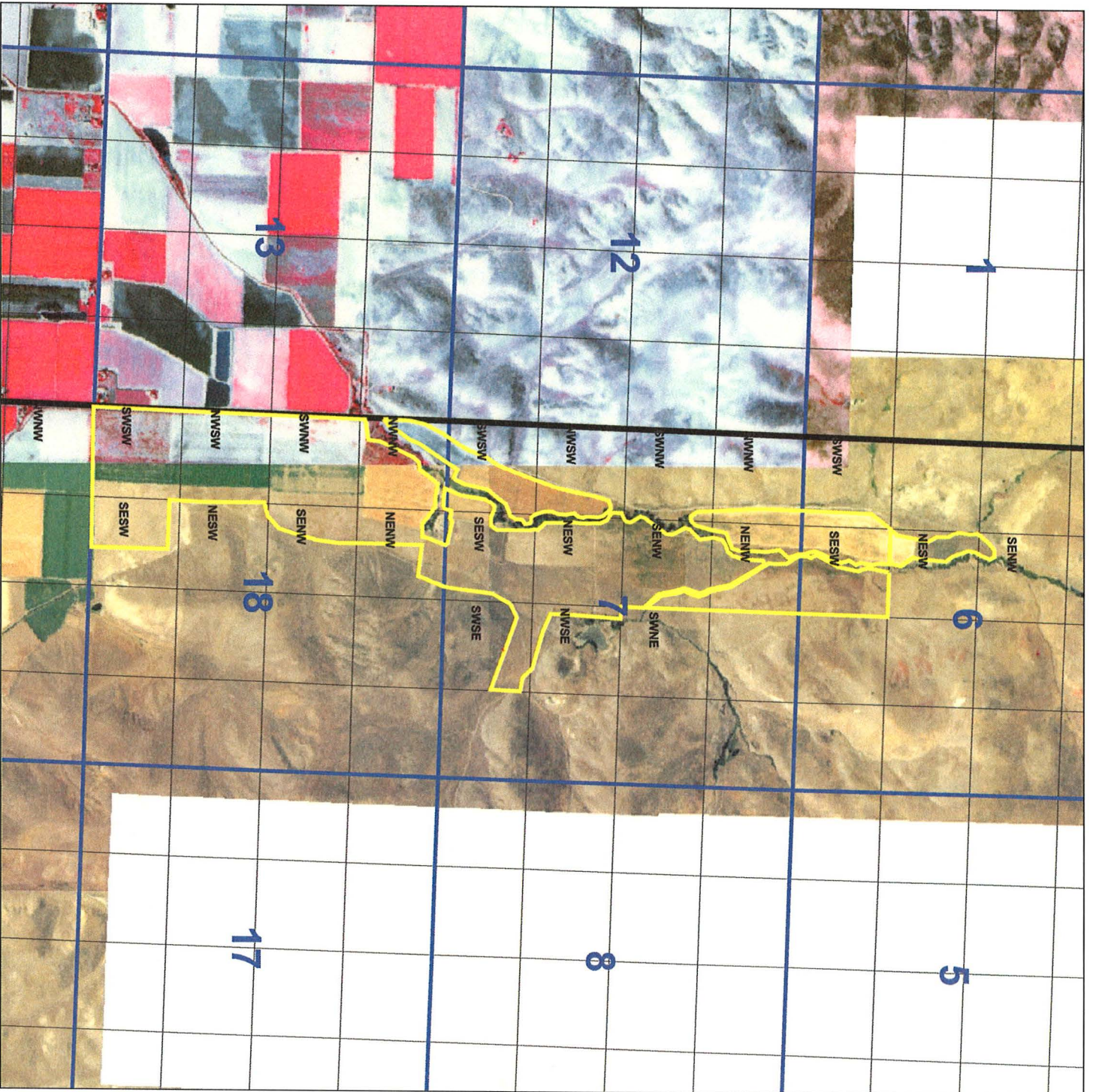
0

3

6 Miles

Prepared by IDWR State Office
On Wednesday, December 13, 2006
1987/88 Aerial Photography

67-14246



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14246 V1

WATER RIGHT NUMBER: 67-14246 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DOUBLE C & J LAND CO INC 990 JENKINS CREEK RD WEISER, ID 83672 (208)549-1232

Priority Date: 03/01/1905

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	JENKINS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	9.060 CFS	
	<u>Total Diversion:</u>	9.060 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	NW1/4NE1/4SW1/4	Sec. 6,	Twp 11N,	Rge 06W, B.M.
WASHINGTON County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	05W	6								1.5	10.0		6.0	37.0					54.5
11N	05W	7					35.0	6.0	1.5	35.0	37.0	10.0	19.0	33.0		10.0	11.0		197.5
11N	05W	18					15.0	30.0	40.0	15.0	1.0	40.0	40.0	20.0					201.0

Total Acres: 453

Conditions of Approval:

1. E55 Right Nos. 67-2044, 67-2097A, 67-2097B, 67-4520, 67-14246, 67-14247 and 67-14251 are limited to the irrigation of a combined total of 453 acres in a single irrigation season.
2. Source locally known as Tar Gulch.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. E51 Right Nos. 67-2044, 67-2097A, 67-2097B, 67-4520, 67-14246, 67-14247 and 67-14251 are limited to a total combined diversion rate of 9.06 cfs.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14246 V1

Remarks:Comments:

1. mvanbussum 11/30/2006 Source, Priority and POU

Comment: POU is covered with storage water from Jenkins Creek under licenses 67-2044, 67-2097A and 67-2097B. This claim picks up an unnamed stream, which is tributary to Jenkins Creek. No one else pulls off of these unnamed streams and they have clearly been used for Jenkins Creek water since Idaho Industrial Institute was founded. See Idaho Industrial Institute notes and notices of water rights in file.

2. mvanbussum 11/30/2006 Quantity

Comment: Almost all claims for Double C&J Land are claimed for and will be recommended for 1" per acre. Will need a limiting condition on all live water recommendations.

3. mvanbussum 12/10/2006 NOE and POU

Comment: POU changed per NOE process.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
9.06		453

Combined Water Rights: 67-2044 , 67-2097A , 67-2097B , 67-14247 , 67-14246

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	11/30/2006 2:43:17 PM	mvanbussum			Active
Priority Date	11/30/2006 2:51:52 PM	mvanbussum			Active
POD	11/30/2006 2:52:08 PM	mvanbussum			Active
Source	11/30/2006 2:53:58 PM	mvanbussum			Active
POU	11/30/2006 3:09:29 PM	mvanbussum			Active
Use	11/30/2006 3:10:13 PM	mvanbussum			Active
Season	11/30/2006 3:10:33 PM	mvanbussum			Active
Quantity	11/30/2006 3:19:55 PM	mvanbussum			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14246 V1

Summary	11/30/2006	mvanbussum	Active
POU	12/10/2006 6:21:05 PM	mvanbussum	Active
POU	12/11/2006 10:10:09 AM	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	12/11/2006 10:09:59 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Imagery, field exam, historic use and claimant correspondence verified POU.
POU	12/11/2006 10:10:26 AM	mvanbussum	Updated PLS for Active POU
POU	12/10/2006 6:21:09 PM	mvanbussum	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	11/30/2006 2:55:42 PM	mvanbussum	Updated shape for Active POU
Contacts	11/30/2006 2:43:15 PM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review.
POU	11/30/2006 3:08:26 PM	mvanbussum	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14246 V1

General	11/30/2006 2:51:50 PM	mvanbussum	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Idaho Industrial Institute paperwork and notices of water rights predate the priority date claimed. This area was not included in Muir v. Allison. Recommend priority date as claimed.
POD	11/30/2006 2:52:06 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	11/30/2006 2:59:57 PM	mvanbussum	Updated PLS for Active POU
POU	11/30/2006 3:08:43 PM	mvanbussum	Updated PLS for Active POU
POD	11/30/2006 2:53:26 PM	mvanbussum	Updated shape
POU	11/30/2006 2:59:41 PM	mvanbussum	Updated shape for Active POU
POU	11/30/2006 2:55:57 PM	mvanbussum	Updated PLS for Active POU
POU	11/30/2006 3:09:50 PM	mvanbussum	Updated shape for Active POU
Source	11/30/2006 2:53:56 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field exam verified source.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14246 V1

POU	11/30/2006 3:09:26 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field exam conducted 4-5-2006 and imagery verified POU.
Use	11/30/2006 3:10:10 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field exam conducted 4-5-2006 and imagery verified purpose of use.
Season	11/30/2006 3:10:31 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	11/30/2006 3:19:52 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Per field exam conducted 4-5-2006, creek can hold in excess of 9.06 cfs.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14246 V1

Summary	11/30/2006 3:21:27 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	12/10/2006 6:21:22 PM	mvanbussum	Updated shape for Active POU
POU	12/11/2006 10:10:14 AM	mvanbussum	Updated shape for Active POU

Water Supply Bank:

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 67-14246
Date Received: 1/18/01
Receipt No: W027296
Received By:

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

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

Contact is
John Hoff

1232

2. Date of Priority: 03/01/1905

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
11N	06W	6	NW NE SW	WASHINGTON

5. Description of diverting works:

Canvas dams, 12 inch and 24 inch headgates, ditch.

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	

7. Total Quantity Appropriated is:
9.06 C.F.S.

8. Total consumptive use:

SCANNED
APR 12 2004

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				
11N	05W	7	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
			NW	SE		IRRIGATION	18
			SW	SE		IRRIGATION	1
			Section Acres				
11N	05W	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:

Source locally known as Tar Gulch.

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

A62-14246

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) 549-1232Mailing Address 990 JENKINS CR RD WEISER Zip 836722. Date of Priority (Only one (1) per claim) 3/1/19053. Source of water supply (a) UNNAMED STREAM
which is tributary to (b) JENKINS CREEK4. a. Location of existing point of diversion is: Township 17N^{11W} Range 6W Section 6,
NW 1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of WASHINGTON

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. CANVAS DAMS, 12" + 24"headgates, ditch

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 _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 9.06 (cfs) and/or (b) _____ (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>5W</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.
A67-02097 A + B, A67-02044 or None ()

14. Remarks: SOURCE LOCALLY KNOWN AS TAR GULCH

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

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, that I have signed the foregoing

Organization

document in the space below as President of DOUBLE C+J LAND

Title

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 _____) SS.

Subscribed and sworn (or affirmed) before me this 18th day of Jan 192001

Notary Public Lois Guzman

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.

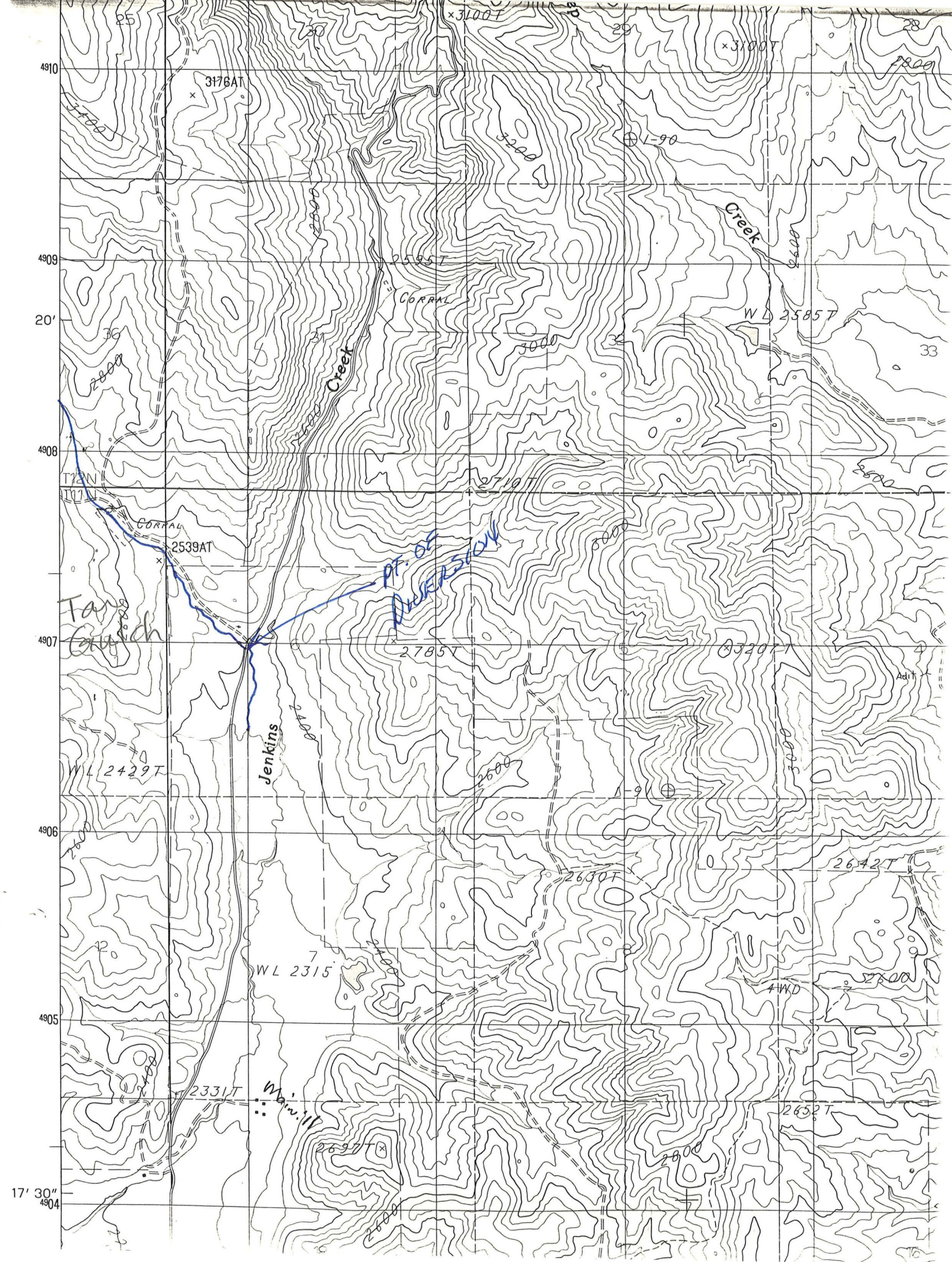
Signature _____

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 G. 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: SEBENE 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

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9. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
12N	05W	19	LOT 3 (NWSW) 8	LOT 4 (SWSW) 2		10
	06W	24	SESE 40			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 GH Date 1/8/92 Time 11:15 Preliminary check by GH

Fee \$ 45.00 Receipted by GH # W013990 Date 1/8/92

Publication prepared by GG Date 1-29-92 Published in Welser Signal

Publication approved AT Date 3-5-92

* DATABASE WORKS 1/17/92 82

THE INTERMOUNTAIN INSTITUTE

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Nov. 9th '28.

Mr. George W. Carter Commissioner of Education,
Albany:

5983

Re: many communications
in regard to the rights in Copyright-Monopoly
of the Inter-Mountain Institute have passed
between us. I think a note of explanation is due here.
The Institute was opened for students in 1900 with the purpose
of giving poor people a chance to study without
money. If they were willing to work, for several years
paid no tuition money. But every student worked for

2.) From every day which was supposed to have all experience for
Hudson, that poor, light etc. etc. The difficultiest money was
on the school press - were raised by begging. 13. A large part of
every year spent collecting money from the friends of
Education in all parts of the country. Realizing that a large
part would furnish work for the distended land in other
ways help support the school - a large tract of dry land
was secured, the large bank gambled by and secured, first
we soon found that by offering to would not less we
would improve the school and the important much - which
had a water right in Madison Co. But the water was not enough
water enough to irrigate the area except during the short water season
early in the spring! The order to save the short water to run for
irrigation later we filed on a water right and the short water of
Delaware Creek in 1905. The following year we completed a ditch about
the creek in length to carry the short water to the reservoir at a
cost of not over 1000 and this ditch was made large enough to
carry more water than we needed. We also began the construction of
the reservoir during the first or second year we formed for the work.
We have it now about forty feet high and the water level there
is on the high water the improved water is part of each irrigation

3) reason on different parts of the lands - but will this water be
improved would not increase supply? Now during the winter
summer! Desiring to increase the water supply, take on the
field on this part of the land of the small lake and the improved
the construction of a ditch, two miles long to carry water
into another reservoir, the dam, for which we commenced
to build the next year. This ditch also we made large enough
to carry water to water, cleaned, & half mile of this ditch was
through rock - and considerable expense to work over ground on the
ditch. The exact segment expended on this ditch I have not
before me - but I know that not less than \$15,000 were expended
on this construction! On reservoir above is about 40 feet high -
is much lower than the other dam - and has a concrete core right
out under the bottom. I estimate that not less than \$15,000 were
then expended upon this dam. We see the water improved.
Every year on different parts of our lands - but at the present
height of the dam all the water improved in the reservoir
would not be sufficient to irrigate 160 acres during the whole
irrigation season! Striding the reservoir construction as explained
we need more on the reservoir and put in our electric
power house of plants and light - water seems just from the

4) Gallows with two air 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
cent. Had we put the money we paid out for the pumping
plant to the completion of the levee we could now have
check irrigation. We could not irrigate so much land but
we could save money! You must forgive this long dissertation
explanation - but I want you to know our exact situation
that some may understand how long delay in completing our
levee will be. The estimate you asked for has been sent to
your office and I secured a copy of the report of publication
from the American office which I should have seen
sent to your office - for your approval!
Very truly yours in the slave's work -

Ed. P. Adams