

12/11/2006

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

RIGHT NUMBER: 67-14247

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

SOURCE: UNNAMED STREAMS

TRIBUTARY: JENKINS CREEK

QUANTITY: 9.060 CFS
45.000 AFY

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 S7 NWSE 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
DIVERSION TO STORAGE	01/01 12/31	9.060 CFS
IRRIGATION STORAGE	01/01 12/31	45.00 AFY
IRRIGATION FROM STORAGE	03/15 11/15	45.00 AFY

PLACE OF USE: IRRIGATION in WASHINGTON County

T11N R05W S06	SENW	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	SENW	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	SENW	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

IRRIGATION FROM STORAGE same as IRRIGATION

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:

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

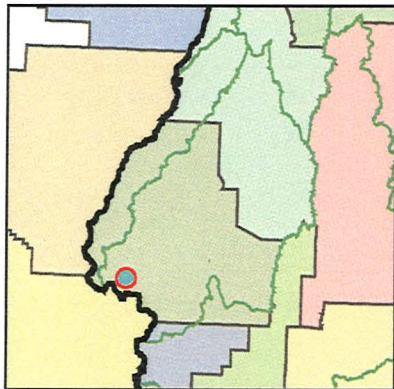
SRBA Recommendation:

67-14247

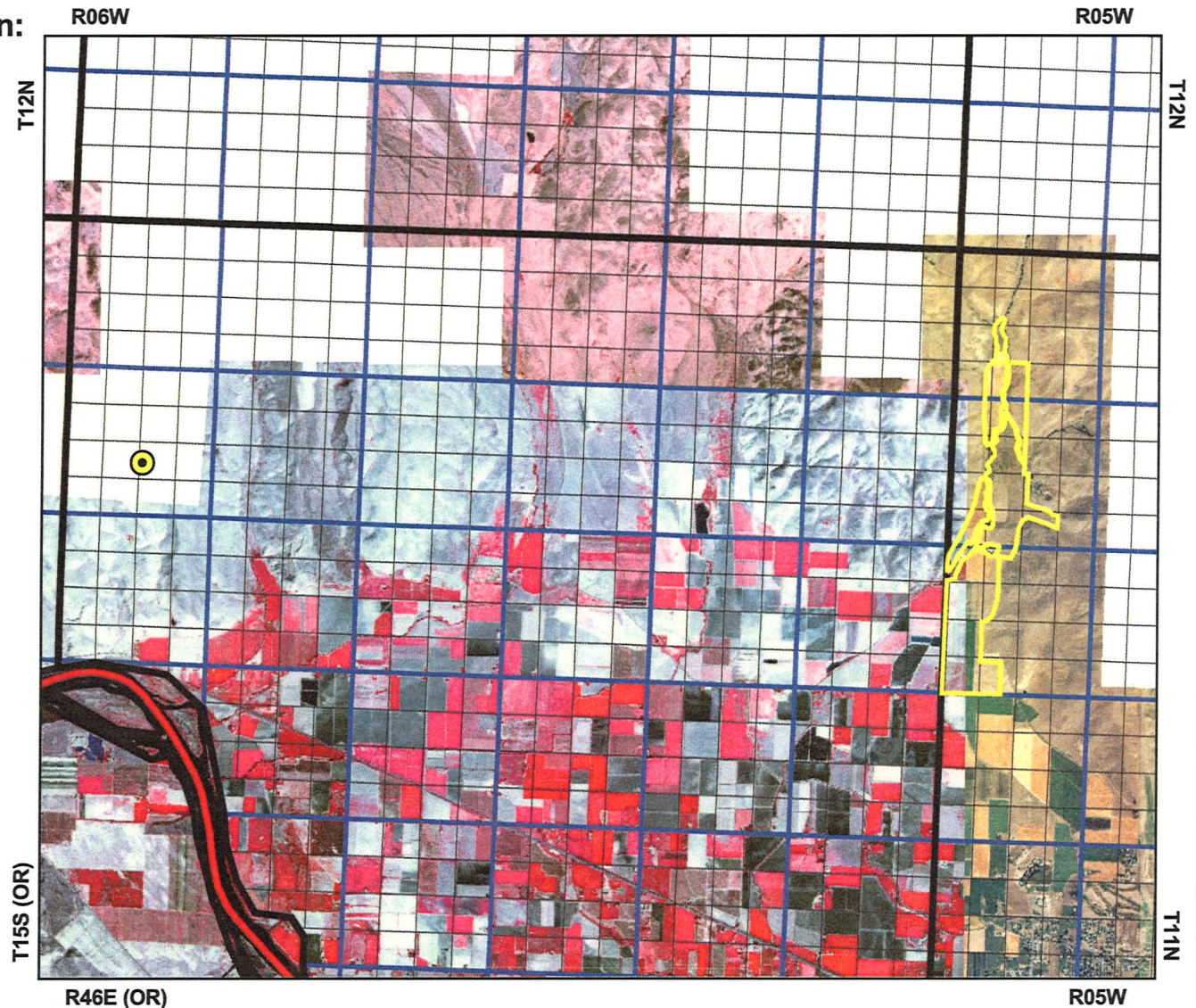
(Irrigation)

Legend

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



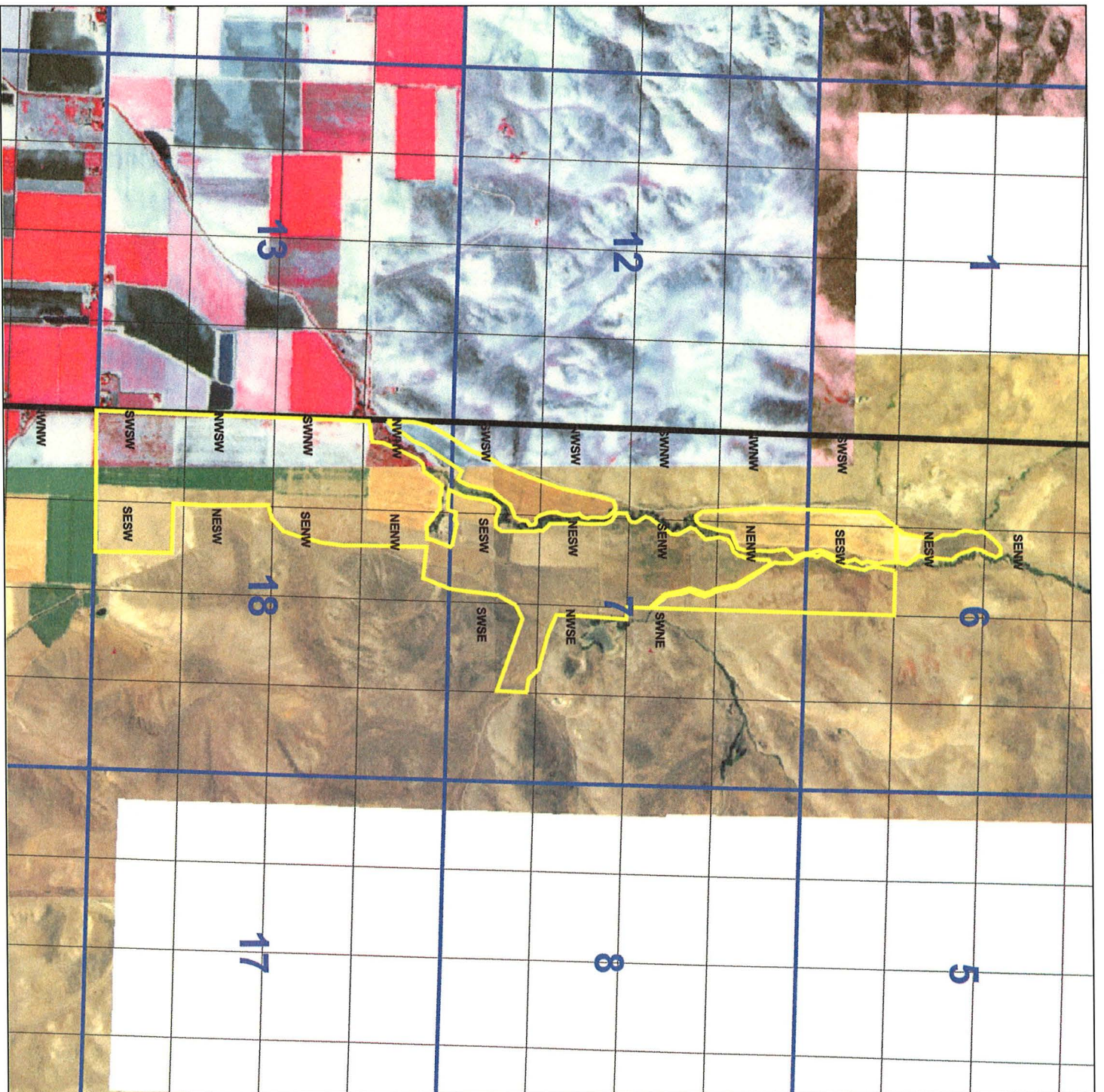
Washington County
IDWR Basin 67



0 3 6 Miles

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

67-14247



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14247 V1

WATER RIGHT NUMBER: 67-14247 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 STREAMS	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	
DIVERSION TO STORAGE	01/01 to 12/31	9.060 CFS	
IRRIGATION STORAGE	01/01 to 12/31		45.00 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		45.00 AF
	<u>Total Diversion:</u>	9.060 CFS	45.00 AF

Location of Point(s) of Diversion

UNNAMED STREAMS	NW1/4SE1/4	Sec. 7, 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
													L 7						
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
								L 1	L 2			L 3	L 4						
11N	05W	18					15.0	30.0	40.0	15.0	1.0	40.0	40.0	20.0					201.0
								L 1	L 2			L 3	L 4						

Total Acres: 453

IRRIGATION FROM STORAGE same as IRRIGATIONConditions 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14247 V1

2. 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.
3. 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.

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. Unnamed stream is also used to fill reservoirs. 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 Priority Date

Comment: Evidence of priority in 67-14251 predates priority date claimed. This unnamed stream was not included in Muir v. Allison. Recommend as claimed.

3. mvanbussum 11/30/2006 Copied from remarks

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

4. mvanbussum 12/10/2006 NOE 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 3:25:18 PM	mvanbussum			Active
Priority Date	11/30/2006 3:25:50 PM	mvanbussum			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14247 V1

POD	11/30/2006 3:26:05 PM	mvanbussum	Active
Source	11/30/2006 3:31:52 PM	mvanbussum	Active
POU	11/30/2006 3:32:17 PM	mvanbussum	Active
Use	11/30/2006 3:34:16 PM	mvanbussum	Active
Season	11/30/2006 3:34:35 PM	mvanbussum	Active
Quantity	11/30/2006 3:35:30 PM	mvanbussum	Active
Summary		11/30/2006 mvanbussum	Active
Summary		11/30/2006 mvanbussum	Active
POU	12/10/2006 6:22:17 PM	mvanbussum	Active
POU	12/11/2006 10:21:13 AM	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	12/11/2006 10:21:02 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, historic use information from Backfile, claimant correspondence and field exam verified POU.
POU	12/10/2006 6:22:35 PM	mvanbussum	Updated shape for Active POU
POD	11/30/2006 3:31:10 PM	mvanbussum	Updated shape
Source	11/30/2006 3:31:49 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 conducted 4-5-2006 and imagery verified source.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14247 V1

POU	11/30/2006 3:32:13 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 3:34:12 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 3:34:32 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 3:35:26 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? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Idaho Industrial Institute documents and notices of water rights provided by claimant provide quantity information, as well as field exam conducted 4-5-2006.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14247 V1

Summary	11/30/2006 3:35:48 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? (No) 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?
Contacts	11/30/2006 3:25:15 PM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review.
POD	11/30/2006 3:26:01 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 3:33:00 PM	mvanbussum	Updated shape for Active POU
POU	11/30/2006 3:33:23 PM	mvanbussum	Updated PLS for Active POU
General	11/30/2006 3:25:46 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 - See Idaho Industrial Institute notes and notices of water right from 67-14251.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14247 V1

Summary	11/30/2006 4:05:51 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 6:22:21 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, history of property, imagery and claimant correspondence.
POU	12/11/2006 10:21:16 AM	mvanbussum	Updated shape for Active POU
POU	12/11/2006 10:21:39 AM	mvanbussum	Updated PLS 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 67-14247
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
990 JENKINS CREEK RD
WEISER ID USA 83672
Phone: (208)549-1232

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.

SCANNED
MAY 10 2004

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: 39576Ident. Number 462-14247Date Received 1/18/01Receipt 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 STREAMSwhich is tributary to (b) JENKINS CREEK4. 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 AFRESERVOIR, PUMPS

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 DIR 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>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.
A67-02097A + B, A67-02044 or None ()

14. Remarks: RESERVOIR LOCALLY KNOWN A RESERVOIR #1

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 CO

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 Ada) SS.

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

Notary Public Lori Gruen

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.

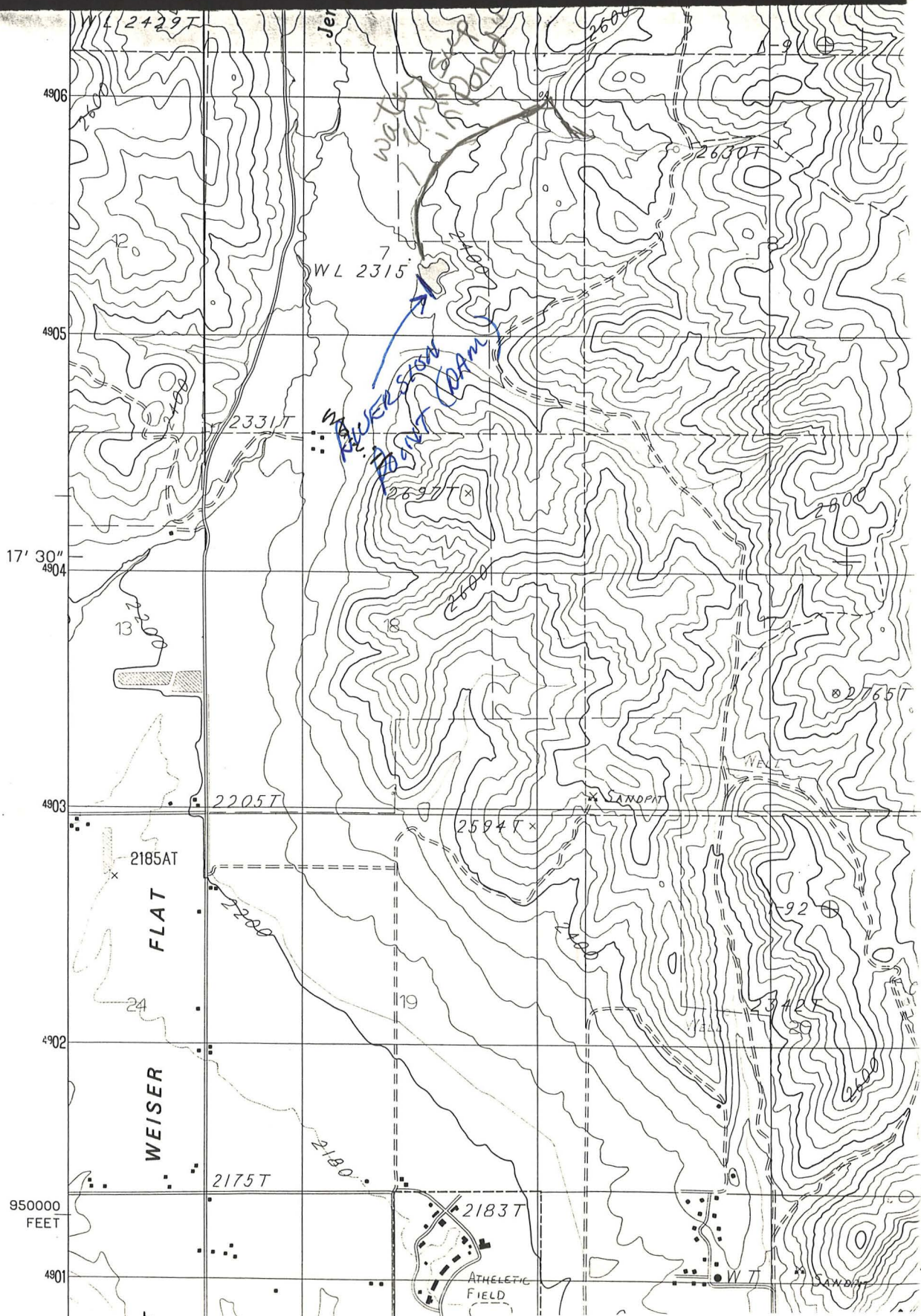
Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



copy

INDIVIDUALS PROTEST

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.R.
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)	ORDER VOIDING
<u>JAMES L. &/OR NELLIE R. ECKHARDT</u>)	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

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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
Address: 247 THORNWOOD
MERIDIAN ID 83642

208-888-4734

AND/OR
Name: NELLIE R ECKHARDT
Address: 247 THORNWOOD
MERIDIAN ID 83642

208-888-4734

2. Source: JENKINS CREEK

Trib. to: SNAKE RIVER

3. Location of Point of Diversion:

SENE 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:

a. Description of ditches, flumes, pumps, headgates, etc.

DITCH TO PUMPS TO HANDLINES

b. 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.

c. Proposed well diameter is inches; proposed depth of well is
feet.

d. 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? ☒

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 CJH Date 1/8/92 Time 1115 Preliminary check by EL

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

Publication prepared by OG Date 1-29-92 Published in Weiser Signal

Publication approved AT Date 3-5-92

* DATABASE UPDATED 1/10/92 82

THE INTERMOUNTAIN INSTITUTE

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WEISER, IDAHO

Nov. 9th '28.

Mr. George H. Carter Commissioner of Education,
Albany, N. Y.

5943

On many communications
in regard to the rights in books & honorarium
paid for by the Intermountain Institute have passed
between us. I think a note of explanation is due you.
The Institute was opened for students in 1900 with the purpose
of giving poor people a chance to study without
money. They were willing to work for several months &
paid out out of money but every student worked five

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 much augmented the ^{farm} and charred the ^{land} which had a water right in Arkansas back. ^{But} ^{the} ^{water} ^{right} ^{was} ^{not} ^{enough} ^{to} ^{irrigate} ^{the} ^{acre} ^{except} ^{during} ^{the} ^{flood} ^{water} ^{season} ^{early} ⁱⁿ ^{the} ^{spring}! In order to save the flood water to use for irrigation later we filed on a reservoir site and the flood water at Paducah Creek in 1905. The following year we completed a ditch about one mile in length to convey the flood water to the reservoir at a cost of not over \$2000 and this ditch was made large enough to carry twice the water received. We also began the construction of the Reservoir ^{Embayment} ^{at} ^{the} ^{mouth} ^{of} ^{the} ^{reservoir} ^{dam} ^{is} ^{now} ^{about} ^{done} ^{although} ^{the} ^{money} ^{could} ^{be} ^{found} ^{for} ^{the} ^{work}. The dam is now about done. Aft high and her cost is less than \$2000. We have used the impounded water a part of each irrigation

3) reason on different parts of our lands - but all this water
impounded would not irrigate our during the winter
summer! Deciding to improve our fields and water our
field on the side of mountain and commenced
the construction of a ditch two miles long to carry water
into another reservoir in the dam. for which we commenced
to build the next year. This ditch also we made large enough
to carry stone into water. excavated a basin of the ditch where
through rock - and considerable concrete work was required in the
ditch. The exact segment expended on this 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 concrete core eight
feet thick on the bottom. I estimate that not less than \$5,000 has
been expended upon this dam. We use the water impounded
every year on different parts of our lands - but at the present
height of the dam all the water impounded in both reservoirs
would not be sufficient to irrigate 160 acres during the whole
irrigation season! Finding this reservoir construction so expensive
we ceased work on the reservoirs and put in an electric
pump, pump plant and lift-water seventy 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 would now have cheap irrigation. We could not irrigate so much land but we would save money! You must forgive this long drawn out explanation - but I want you to know our exact situation that you may understand and pardon a delay in completing our Reservoirs 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 you again and more!

Very truly yours in the world's work -

Ed. Paddock,

Claim Number 67-14247

Claimed Basis: Beneficial Use

 Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Basis:

Recommended Priority Date _____ Recommended Basis _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

[illegible]

out of water by July - drain Res 3,
then Res 2, then Pond

Wingate 3x

John Westra told them each dam is 300 ac-ft
pond is 50 ac-ft.

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number 67-14247

Claimed Point of Diversion and Source

T11N R06W S7 NWSE Within WASHINGTON County Source: UNNAMED STREAMS JENKINS CREEK

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

Other rights from this POD? _____

Document how the POD and Source were verified:

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number 67-14247

Claimed Place Of Use

T11N R05W S06	NESW	5.00	T11N R05W S06	SWSW	6.00
T11N R05W S06	SESW	30.00	T11N R06W S07	NENW	32.00
T11N R06W S07	NWNW	6.00	T11N R06W S07	SENW	35.00
T11N R06W S07	NESW	37.00	T11N R06W S07	NWSW	10.00
T11N R06W S07	SWSW	15.00	T11N R06W S07	SESW	37.00
T11N R06W S07	NWSE	18.00	T11N R06W S07	SWSE	1.00
T11N R06W S18	NENW	20.00	T11N R06W S18	NWNW	34.00
T11N R06W S18	SWNW	39.00	T11N R06W S18	SENW	15.00
T11N R06W S18	NESW	4.00	T11N R06W S18	NWSW	38.00
T11N R06W S18	SWSW	37.00	T11N R06W S18	SESW	34.00

Total Acres 453

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

_____ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number 67-14247

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			
DIVERSION TO STORAGE			
IRRIGATION STORAGE			
IRRIGATION FROM STORAGE			

☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
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Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number 67-14247

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
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	

Overall Diversion Rate 9.06 Overall Diversion Volume 45

Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
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Overall Diversion Rate

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer: _____

Date: _____

Contacts Data Entry Form

Claim Number: 67-14247

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	DOUBLE C & J LAND CO INC	990 JENKINS CREEK RD	WEISER	ID	83672	(208)549-1232

Date of Field Exam: _____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

Reviewer: _____

Date: _____