

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

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EXHIBIT

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