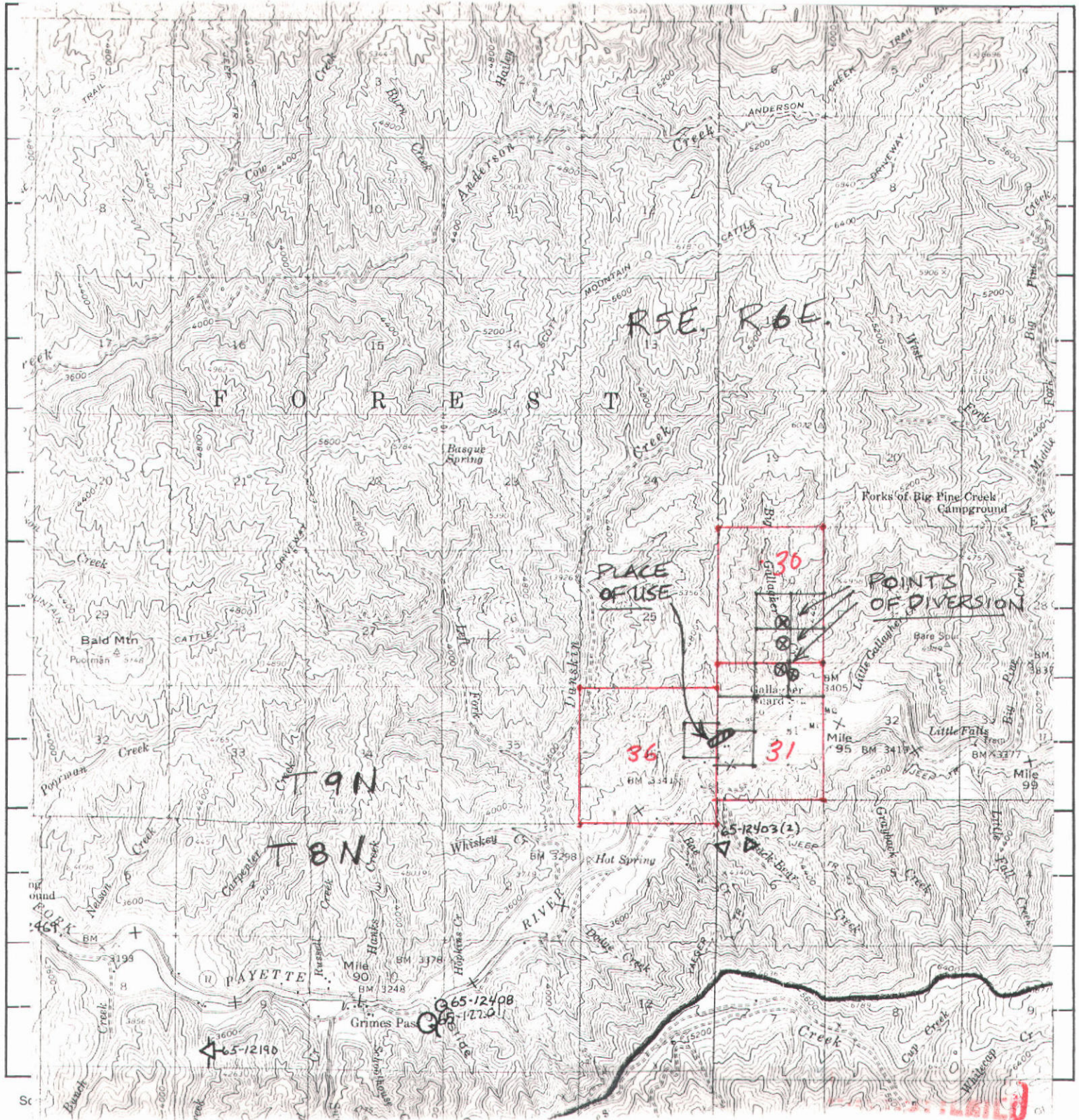


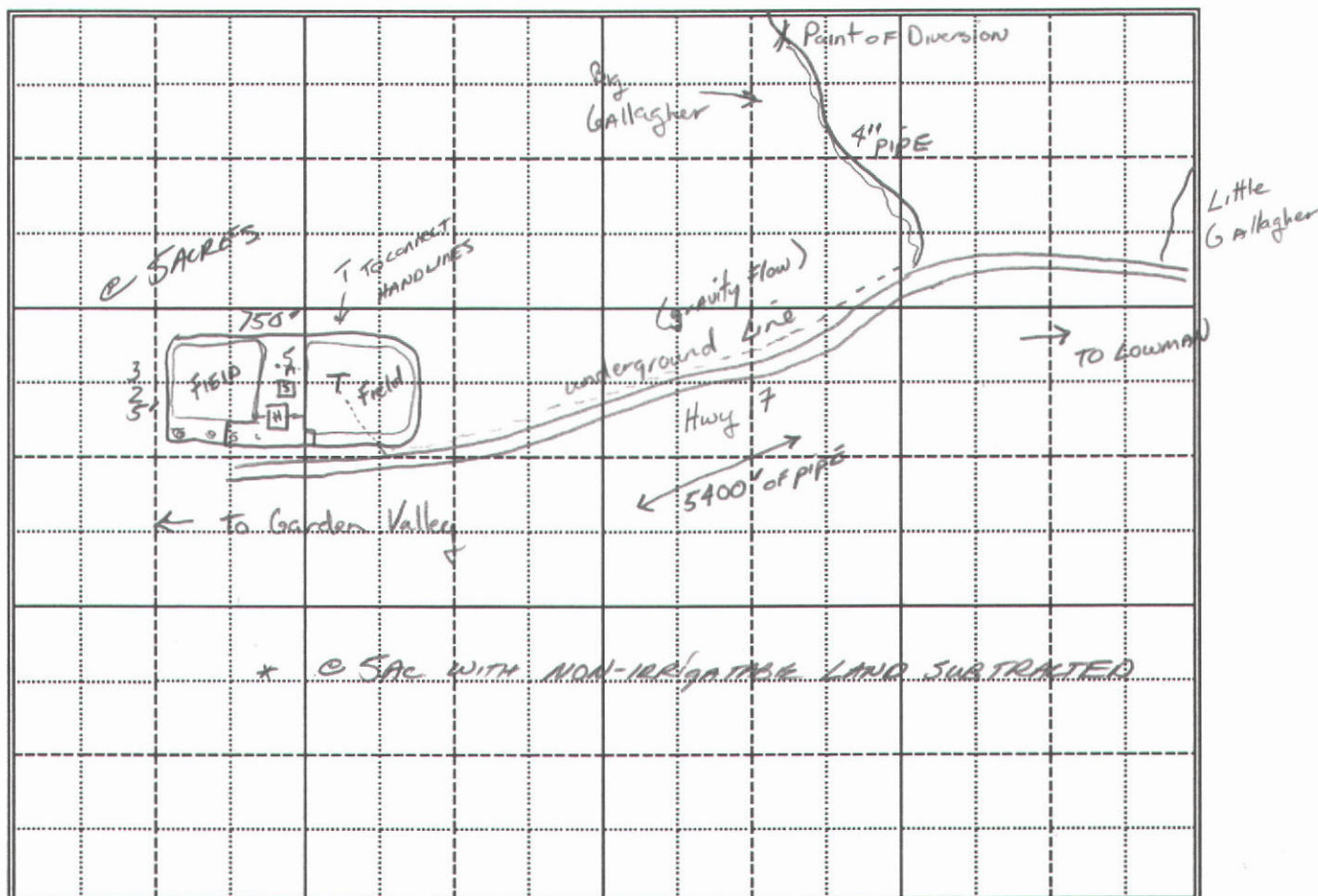
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

SINDA J. JENKINS
 (Applicant)
 Richard L. Jenkins

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

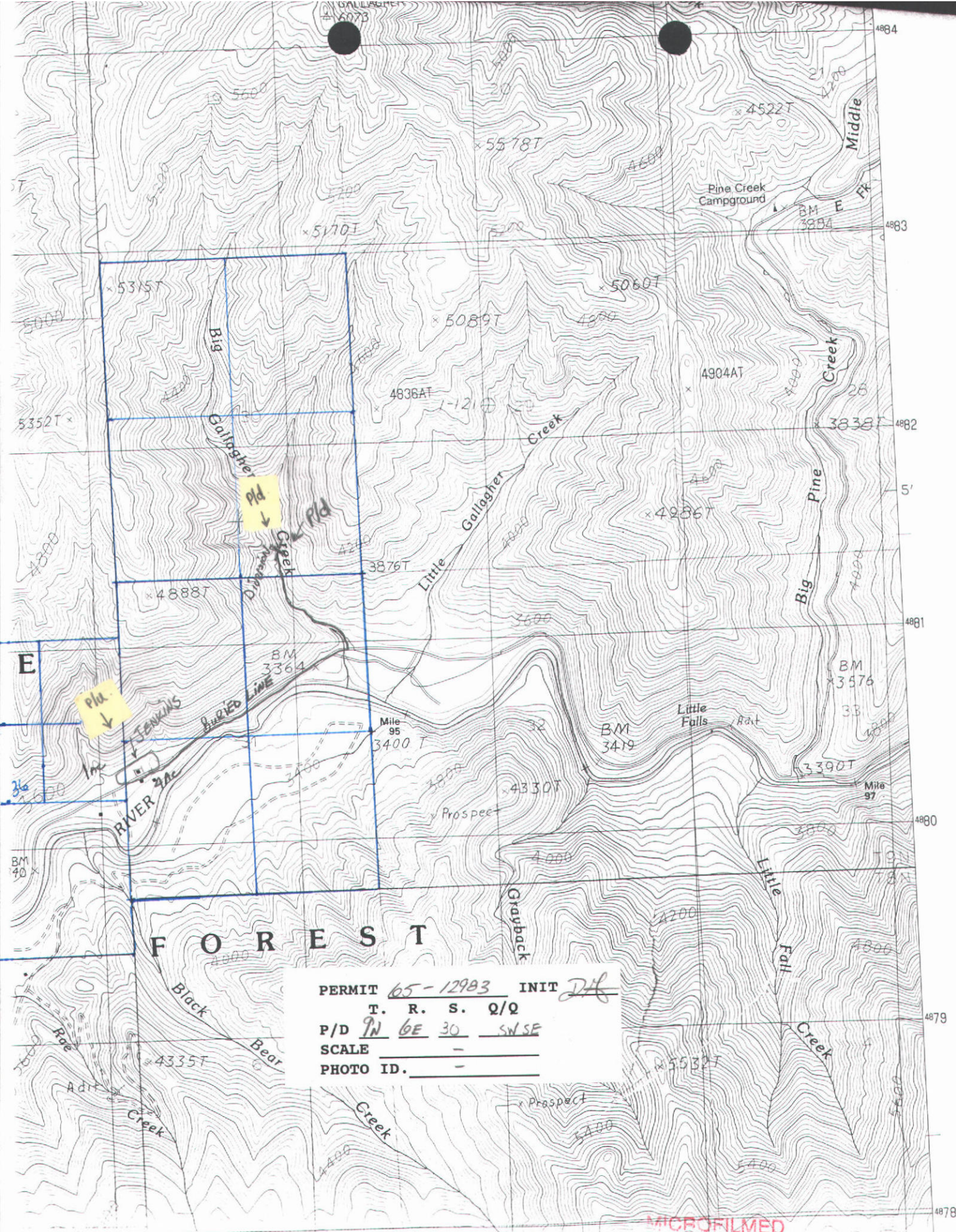
D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: SPRINKLER HEAD; 10 5/32" HEADS AT 60PSI = 5.65 gal/min x 10
56.5 gal/min / 448.8 = .13 cfs. system capacity.

MICROFILMED
JUN 10 1997



PERMIT 65-12983 INIT DH
T. R. S. Q/Q
P/D IN 6E 30 SWSE
SCALE -
PHOTO ID. -

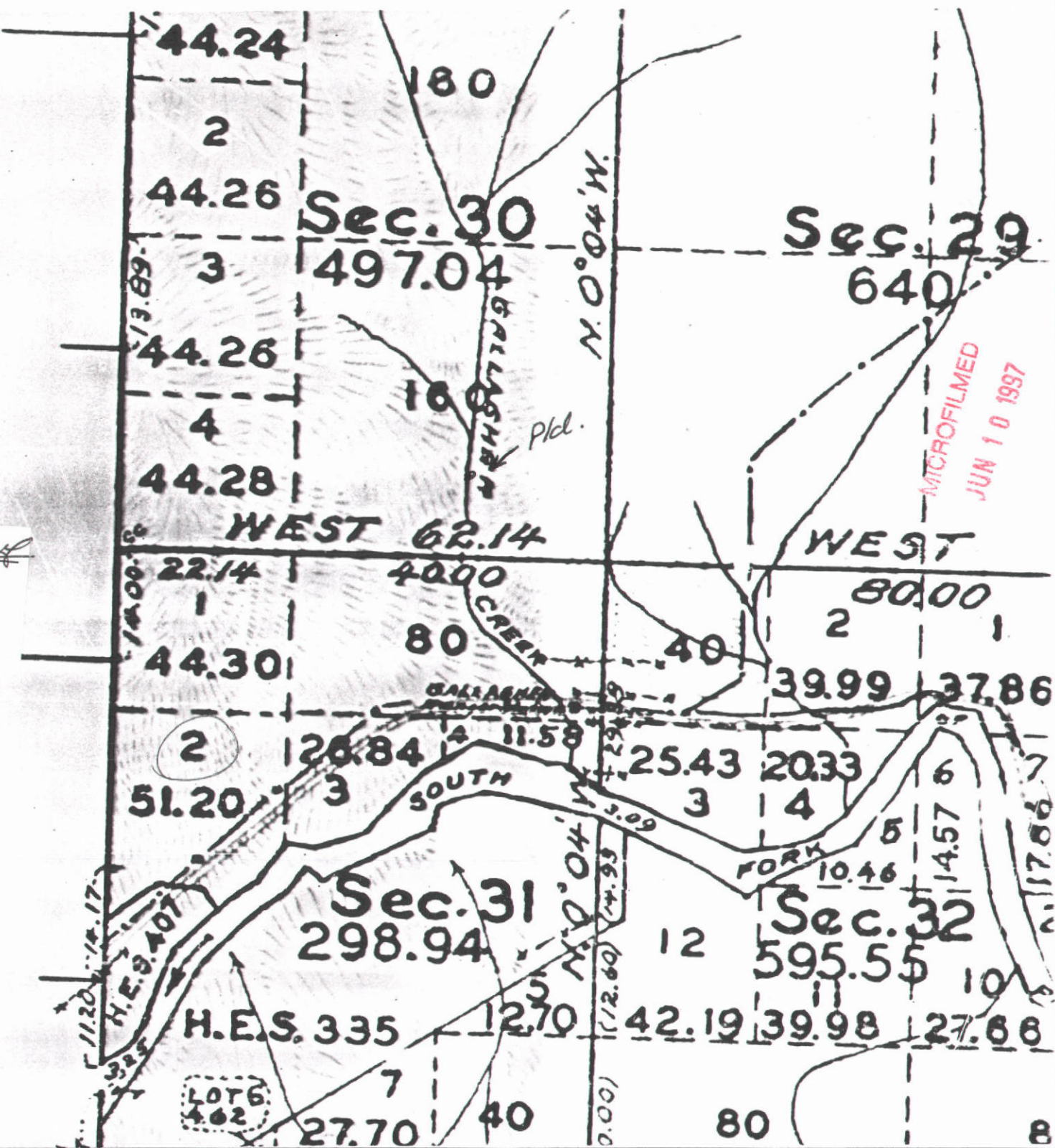
MICROFILMED

JUN 10 1997

Sec. 25

Sec. 36

PERMIT 65-12983 INIT *DAF*
T. R. S. Q/Q
9N 6E 30 SWSE





Pld. Galeger creek,
AT THIS POINT, IS
DIVERTED INTO THE
PIPE.

PHOTO ONE-



THE PIPE IS THEN
BROUGHT TO THIS
FILTER. WATER
IS GRAVITY FED DOWN
THE HILL TO THE
HWY.

PHOTO TWO-

MICROFILMED
JUN 10 1997



From the Highway, THE
PIPE follows THE RD TO
the JENKINS' PROPERTY.
THE BURIED COMES UP AT
THIS POINT.

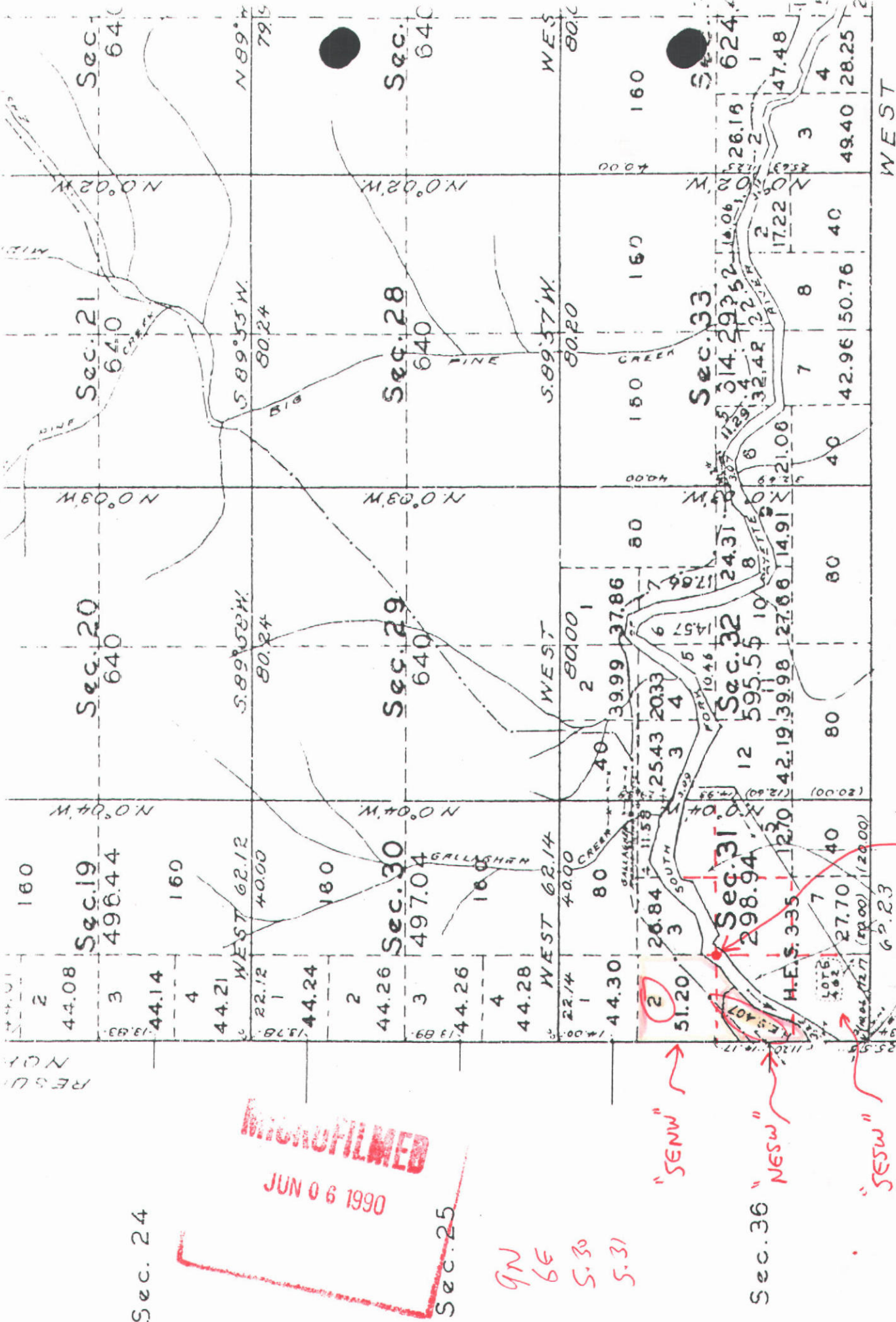
PHOTO THREE-



T'S ARE USED TO
IRRIGATE THE PROPERTY.

PHOTO FOUR-

MICROFILMED
JUN 10 1997



Scale 40 Chains to an Inch

10.5 0 10 20 40 80

Area Surveyed 20125 E7 A...

Office of

N. 89° 50' W.
79.82

N. 0° 1' W.

DANSK

N. 89° 43' W.

79.92

14.00

C
C

qn
sc
5.36

Sec.

Sec. 35

640

Sec. 36

548.67

39.63

5

35.73

4

50.38

3

2

18.39

6

48.59

25.55

5 CC

SOUTH FOR

BLACK

LAT

LONGIT

JUN 8 1990

MICROFILMED

N. 0° 1' W.

N. 89° 43' W.

40.02

29.61

6.32

44.07

N. 89° 43' W.

80.00

92
ST

Sec. 2

Sec. 1

DEPARTMENT C

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12983

Priority: February 23, 1989

Maximum Diversion Rate: 0.13 CFS
Maximum Diversion Volume: 17.5 AF

This is to certify, that RICHARD L JENKINS
LINDA JENKINS

PO BOX 65

GARDEN VALLEY ID 83622

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 23, 1989; and has submitted Proof of Beneficial Use on May 31, 1994. An examination indicates that the works have a diversion capacity of 0.130 cfs of water from:

BIG GALLAGHER CREEK tributary to PAYETTE RIVER, SOUTH FORK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.13 CFS	17.5 AF

LOCATION OF POINT(S) OF DIVERSION SWSE , Sec. 30, Township 09N, Range 06E
BOISE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	05E	36	Lot 1 (SENE) 1		1
	06E	31	Lot 2 (NESW) 4		4

Total number of acres irrigated: 5

CONDITIONS OF APPOINTMENT AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

MICROFILMED
JUN 10 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12983

CONDITIONS OF APPROVAL AND REMARKS

6. The Director retains jurisdiction of this right to require purchase or lease of storage water to compensate for diversion of the streamflow authorized by this right.
7. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 2ND
day of JUNE, 19 97.

Acting for

KARL J. DREHER, Director

MICROFILMED

JUN 10 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE Department of Water Resources

RECEIVED
MAY 31 1994

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1 Permit No. 65-12983 Telephone No. 208-462-3893

2 Name(s) of Permit Holder(s): RICHARD L. & LINDA JENKINS

3 Post Office Address: HC 11 Box 3900 GARDEN VALLEY - ID 83622

4 Source of Water: BIG GALLAGHER CREEK

a If ground water, well driller's name: _____ Date drilled: _____

b Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5 Extent of Use:

Domestic _____ (No. of households) Irrigation 5 (No. of acres)

Stockwater _____ (No. and type of stock) Other _____

6 Total rate and/or volume for which proof is submitted 0.15 cfs _____ acre/feet

7 Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes ☒ No Installed? Yes ☐ No

OR

Flow Measurement Port: Required? Yes ☒ No Installed? Yes ☐ No

8 Fee Enclosed: \$ _____ (See License Examination Fee Schedule)

9 Person to contact to accompany the Department representative during the field examination:

RICHARD L. JENKINS
Name

208-462-3893
Telephone No.

HC 11 Box 3900 GARDEN VALLEY - ID 83622
Address

10 The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

5-16-94
Date

Richard L. Jenkins
Signature (and title) if on behalf of a company or organization

RECEIVED

JUN 30 1994

RECEIVED
MAR 25 1992

For Office Use Only
\$15 Fee Recalculated by LLB
Date 3-25-92
Receipt No. 002346

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 65-12983

Name(s) of Permit Holder: RICHARD L. & LINDA JENKINS

Mailing Address: HC77 Box 3900 Garden Valley - Id 83622

Date Proof is Due _____ Telephone No. 208-462-3893

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

we have completed all paperwork with Soil Conservation Service to receive cost sharing. They have had their field person out and have completed their work on our project. Agri-Lines Irrigation has given us an estimate.

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

we are waiting on Federal Highways. Our water line is in the Road Right-of-way of the BANKS-LOWMAN highway. This stretch of Road is under construction. If we put our water line in now - They will just tear it out again.

Permit holder(s) request an extension to June, 19 1994.

FEE: \$15.00

Richard L. Jenkins
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

MAY 20 1992

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to June 1, 1994.

Signed this 3rd day April, 19 92

J. Glen Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

NO. 65-12983

Proposed Priority: February 23, 1989 **Maximum Diversion Rate:** 0.15 CFS

This is to certify, that **RICHARD L. JENKINS**
LINDA JENKINS
P.O. BOX 65
GARDEN VALLEY, ID 83622
has applied for a permit to appropriate water from:

BIG GALLAGHER CREEK tributary of **PAYETTE RIVER, SOUTH FORK**

and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
----------------	---------------	-------------------

IRRIGATION	04/01 to 11/01	0.15	CFS
------------	----------------	------	-----

LOCATION OF POINT(S) OF DIVERSION:

NWSE Sec. 30, Township 09N, Range 06E
SWSE Sec. 30, Township 09N, Range 06E
NENE Sec. 31, Township 09N, Range 06E
NWNE Sec. 31, Township 09N, Range 06E
BOISE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	05E	36	LOT 1 (SENE)	1			1
					Total number of acres irrigated:		5
	06E	31	LOT 2 (NESW)	4			4

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1992.
2. Subject to all prior water rights.
3. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
4. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
5. The Director retains jurisdiction of this permit to require purchase or lease of storage water to compensate for diversion of the streamflow authorized by this right.
6. Use of water under this permit is subject to control by the watermaster of State Water District No. 65.
7. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.

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JUN 06 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

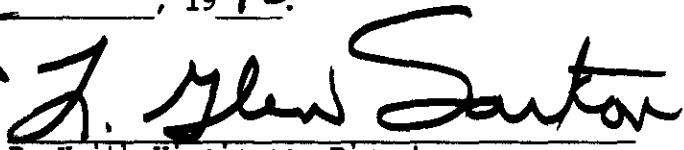
NO. 65-12983

CONDITIONS/REMARKS:

8. Only one point of diversion is to be developed, uncertain of exact location.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this

21 day of May, 1990.

for 
R. Keith Higginson, Director

MICROFILMED

JUN 06 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Richard L. and/or Linda Jenkins Phone 462-3893
Post office address P.O. Box 65, Garden Valley, Idaho 83622
2. Source of water supply Big Gallagher Creek which is a tributary of Payette River South Fork
3. Location of point of diversion is _____ ¼ of NW _____ ¼ of SE _____ ¼, Govt. Lot _____
Sec. 30 Township 9N Range 6E B.M. Boise County; additional
points of diversion if any. SW1/4SE1/4, Sec. 30; NE1/4NE1/4, NW1/4NE1/4, Sec. 31; T9N,
R6E, B.M. (Only one point of diversion is contemplated. Uncertain of exact location.)
4. Water will be used for the following purposes:
Amount .15 for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.15 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Headbox in Big Gallagher Creek.
Water diverted into pipe and conveyed approximately 1½ miles to place of use.
Anticipate gravity flow sprinkler system.
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 ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

RECEIVED

JUN 06 1990

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW.
- Stockwatering; list number and kind of livestock.
- Municipal; show name of municipality.
- Domestic; show number of households.
- Other; describe fully.

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9N	6E	31									4								4
9N	5E	36																	1

Total number of acres to be irrigated 5

10. Describe any other water rights used for the same purposes as described above. 65-12562

11. a. Who owns the property at the point of diversion? Forest Service

b. Who owns the land to be irrigated or place of use? Applicants

- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Applicants will seek a special use permit from the

forest service.

12. Remarks: Location of the reconstructed Banks--Lowman Road could determine

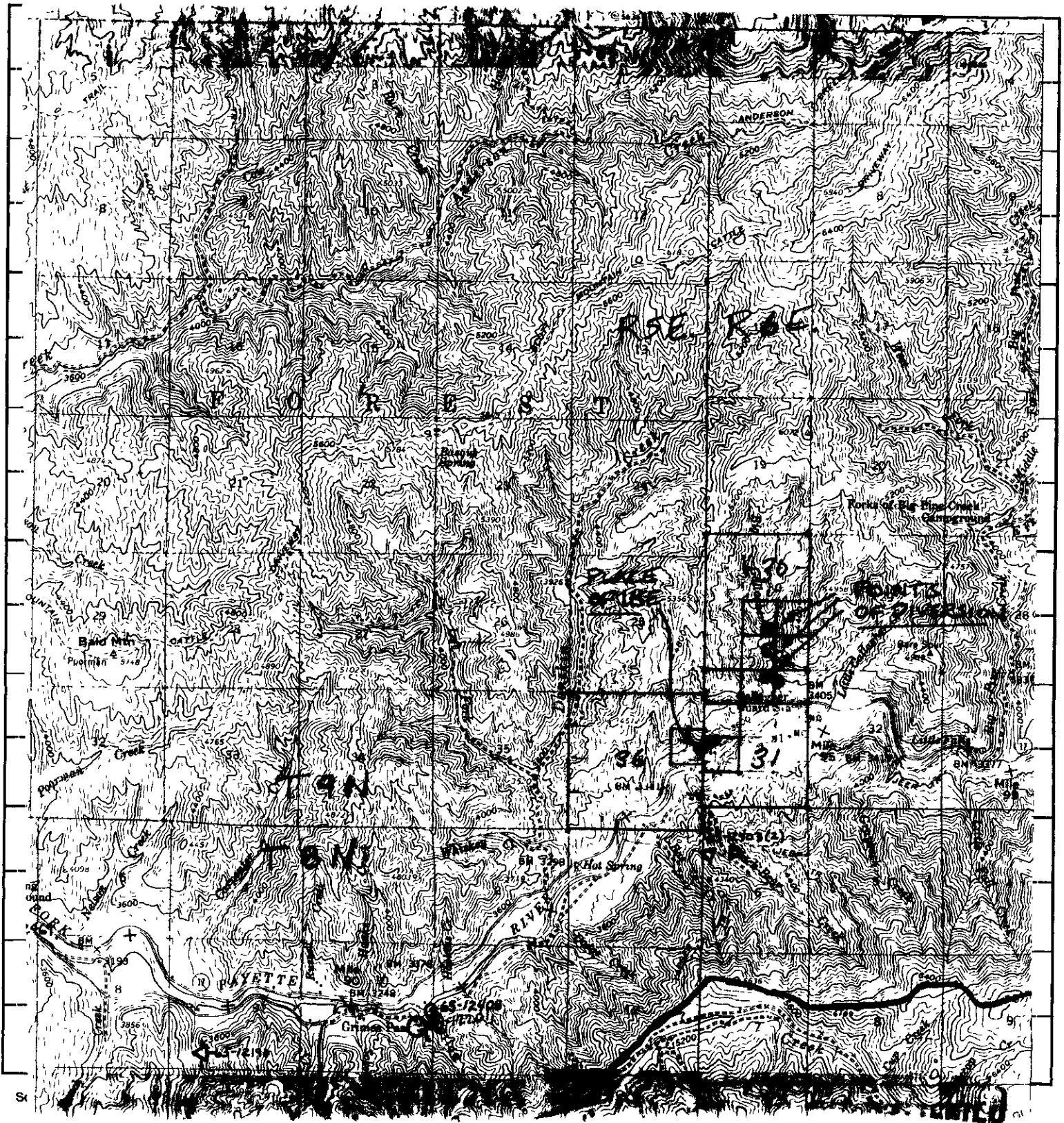
placement of the pipeline. Request five year development period because of

uncertainty about location of road.

Place of use also known as HES 407

UNCLASSIFIED

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Linda J. Jenkins
(Applicant)
Reed L. Jenkins

JUN 6 1990

Microfilm

e. Other:

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land

19

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

1. Approval of said application is subject to the following limitations and conditions:

Idaho No. _____, and said application is hereby _____

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by RL Date 2/23/89 Time 12.00 Preliminary check by RL

Fee \$ 30 Received by RL # W02314 Date 2/27/89

Publication prepared by GC Date 3-8-89 Published in Idaho World 3/15 & 3/22/89

Publication approved RL Date 4-11-89

Click Rec'd with app. 2/23/89 RL

STATE OF IDAHO
County of Boise

Peter A. Wierenga, being duly sworn, deposes and says: that he is the manager and principal clerk of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy-eight weeks past previous to the first publication of this notice. Such notice was published in the issue beginning with 315, 1989 and ending with the issue of 3122, 1989.

RECEIVED
MAR 28 1989

Department of Water Resources
Western Regional Office

STATE OF IDAHO
County of Boise

On this 27th day of March
in the year of 1989, before me, a
Notary Public, personally appeared
Peter A. Wierenga
known or identified to me to be the person
whose name subscribed to the within
instrument, and being by me first duly sworn,
declared that the statements therein are
true, and acknowledged to me that he
executed the same.

Don J. Jurega
Notary Public for Idaho
Boise, Idaho
Residing at
My commission expires: 9/14/94

NOTICE OF APPLICATION FOR WATER
RIGHT

The Following application(s) have been
filed to appropriate the public waters of the State
of Idaho:

63-10762 *done*

FESSENDEN, JAMES A.
FESSENDEN, ALBERTA
HC 33, BOX 2570
BOISE, ID 83706
Source: SPRING; Tributary: SINKS; Diversion
Pt. SWSWNW Sec 16 T 04N R 04E; Use:
DOMESTIC (.040 CFS); Date Filed: 2/15/1989;
In: T04N R04E S16 SWNW

63-10771
RANCH SUBD. PROP OWNERS ASSN. INC.
C/O KUNG HAN
HC 33, BOX 1180
BOISE, ID 83706
Source: GROUNDWATER; Diversion Pt.
NWSW Sec 33 T04N R04E; Use: DOMESTIC
(.110 CFS); Date Filed: 2/23/1989; In: T03N
R04E S04 Lot 4 (NWNW) S05 Lot 1 (NENE)

65-12982
SMITH, MILLENT S.
2446 N. FISK LN.
BOISE, ID 83704
Source: PAYETTE RIVER, MIDDLE FORK;
Tributary: PAYETTE RIVER; Diversion Pt. LOT
4 (NWNW) Sec 21 T09N R04E; Use: IRRIGA-
TION (.030 CFS); Date Filed: 2/23/1989; In:
T09N R04E S21 Lot 4 (NWNW) 10 ACRES
TOTAL

65-12983
JENKINS, RICHARD L.
JENKINS, LINDA
P.O. BOX 65
GARDEN VALLEY, ID 83622
Source: BIG GALLAGHER CREEK; Tributary:
PAYETTE RIVER, SOUTH FORK; Diversion Pt.
NWSW Sec 30 T 09N R 06E, SWSE Sec 30 T
09N R 06E, NENE Sec 31 T 09N R 06E, NWNW
Sec 31 T 09N R 06E; Use: IRRIGATION (.150)
Date Filed: 2/23/1989; In: T09N R06E S36 Lot
1 (SENE), R06E S31 Lot 2 (NWSW) 5.0 ACRES
TOTAL

65-12984
TERRACE LAKES RECREATION RANCH INC.
HC 76, BOX 4201
GARDEN VALLEY, ID 83622
Source: GROUNDWATER; Diversion Pt. SENW
Sec 34 T 10N R 04E; Use: COMMERCIAL (

FILED
Legal Notices
1989

200 2:59; Date Filed: 2/23/1989; In: T10N
R04E S34 SENW

65-12985
TERRACE LAKES RECREATION RANCH INC.
HC 76, BOX 4201
GARDEN VALLEY, ID 83622
Source: GROUNDWATER; Diversion Pt. LOT
4 (NWNW) Sec 5 T 09N R 04E, SWNE Sec 33
T 10N R 04E, SESE Sec 33 T 10N R 04E,
SWSE Sec 33 T 10N R 04E; Use: IRRIGATION
(.200 CFS); DOMESTIC (.200 CFS); Date
Filed: 2/23/1989; In: T09N R04E S03 Lot 4
(NWNW), S04 Lot 1 (NENE) Lot 2 (NWNW) Lot
3 (NESE), T10N R04E SEE, SWNE Lot 2
(SENE), SESE Lot 3 (NESE) NWSE SWSE
Lot 4 (SESE) S34 SWNW NWSW SWSW 25.8
ACRES TOTAL

65-12986
LIVINGSTON, EARL
LIVINGSTON, FAY
MILLSAP, TROY
HC 76, BOX 4043
GARDEN VALLEY, ID 83622
Source: PAYETTE RIVER, MIDDLE FORK;
Tributary: PAYETTE RIVER; Diversion Pt.
NWSW Sec 15 T 09N R 04E; Use: IRRIGA-
TION (.090 CFS); Date Filed: 2/24/1989; In:
T09N R04E S15 NWSW 3.0 ACRES TOTAL

65-12987
The permit(s) will be subject to all prior
water rights. Protests must be filed with the
Director, Dept. of Water Resources, Western
Region, 2735 Airport Way, Boise, Idaho 83705
on or before APRIL 3, 1989.

R. KEITH HIGGINSON, Director
Published in the Idaho World, Idaho City, Idaho,
March 15 & 22, 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

June 2, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RICHARD L JENKINS
LINDA JENKINS
PO BOX 65
GARDEN VALLEY ID 83622

RE: WATER RIGHT NO. 65-12983

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license 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 unless a party petitions for reconsideration or files an exception and/or brief 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. 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 twenty-one (21) 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

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JUN 10 1997

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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 issuance 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:

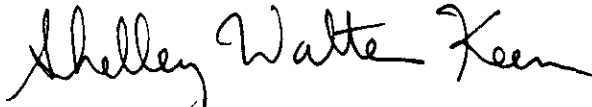
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

MICROFILMED

JUN 10 1997

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.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

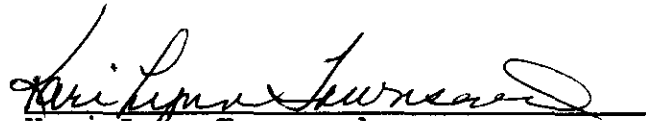
MICROFILMED
3 JUN 10 1997

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of June, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 65-12983

RICHARD L JENKINS
LINDA JENKINS
PO BOX 65
GARDEN VALLEY ID 83622


Kari Lynn Townsend
Secretary

MICROFILMED
JUN 10 1997

MEMORANDUM

TO: File 65-12983

FROM: Sharla

DATE: May 30, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Right 65-12983 are based on the following:

C. DIVERSION AND DELIVERY SYSTEM

2. Place(s) of Use

T9N, R6E, Sec 31 - Lot 2 (NESW) - 4 0 acres

R5E, Sec 36 - Lot 1 (SENE) - 1 acre

Section 31 is not a full 640 acre tract Lot 2 is the NESW and thus the place of use is located where it was originally described.

Examiner: Dave Gray

Exam Date: August 4, 1994

MICROFILMED

JUN 10 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 65-12983

DATE 5/30/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>~~PO~~ Box</u>
SOURCE	—	<u>✓</u>	Is change/clarification of originally intended source? <u>—</u>
POINT OF DIV	—	<u>✓</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	—	<u>✓</u>	Amendment required <u>NO</u>
			Amendment required <u>NO*</u>

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate	<u>.15</u> cfs
Fee limit	<u>.20</u> cfs <u>\$5000</u>
Measured	<u>.13</u> cfs
Theoretical	<u>—</u> cfs <u>gravity fed</u>

Recommended Total Div Rate .13 cfs

ANNUAL VOLUME/
NATURE OF USES —

Use ✓ dur.

Volume Calculation
5 X 3.5 = af
17.5 af
— af
— af
 SUBTOTAL 17.5 af

750' X 325' = 5.6 ac.
permit limits 5 ac

Flow rate .13 cfs X 214 days X 1.98 = 55.1 af
 Total volume recommended 17.5 af
 (SUBTOTAL or Flow Rate, whichever is less)

REMARKS

65-13028 lapsed
65-11305 FS

CONDITIONS R04 Watermaster Control WD# 65

R30 GW Measurement/Measuring Device
Overlap

— Use-specific conditions
 Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed N/A

1st Amend Letter N/A

Adjustment Memo plu desc

2nd Amend Letter N/A

* Lot 2 = NEAN

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 65-12983

1. Owner: RICHARD L. JENKINS & LINDA JENKINS

Phone No. 462-3893

Current Address: P.O. Box 65 GARDEN VALLEY Id 83627

2. Accompanied by: RICHARD L. TENKINS

EXAM DATE : 8-4-94

Address: SAME

Phone No. SAME

Relationship to Permit Holder: SAME

3. Source: Big Galleguer Creek tributary to Payette River, South Fork

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 65-11390 neighbor in same 1/4 1/4

2. Other water rights with the same point of diversion: 6511305, 65-13028 *SEE REMARKS

C. DIVERSION AND DELIVERY SYSTEM

RECEIVED

JAN 03 1995

1. Point(s) of Diversion:

[illegible]

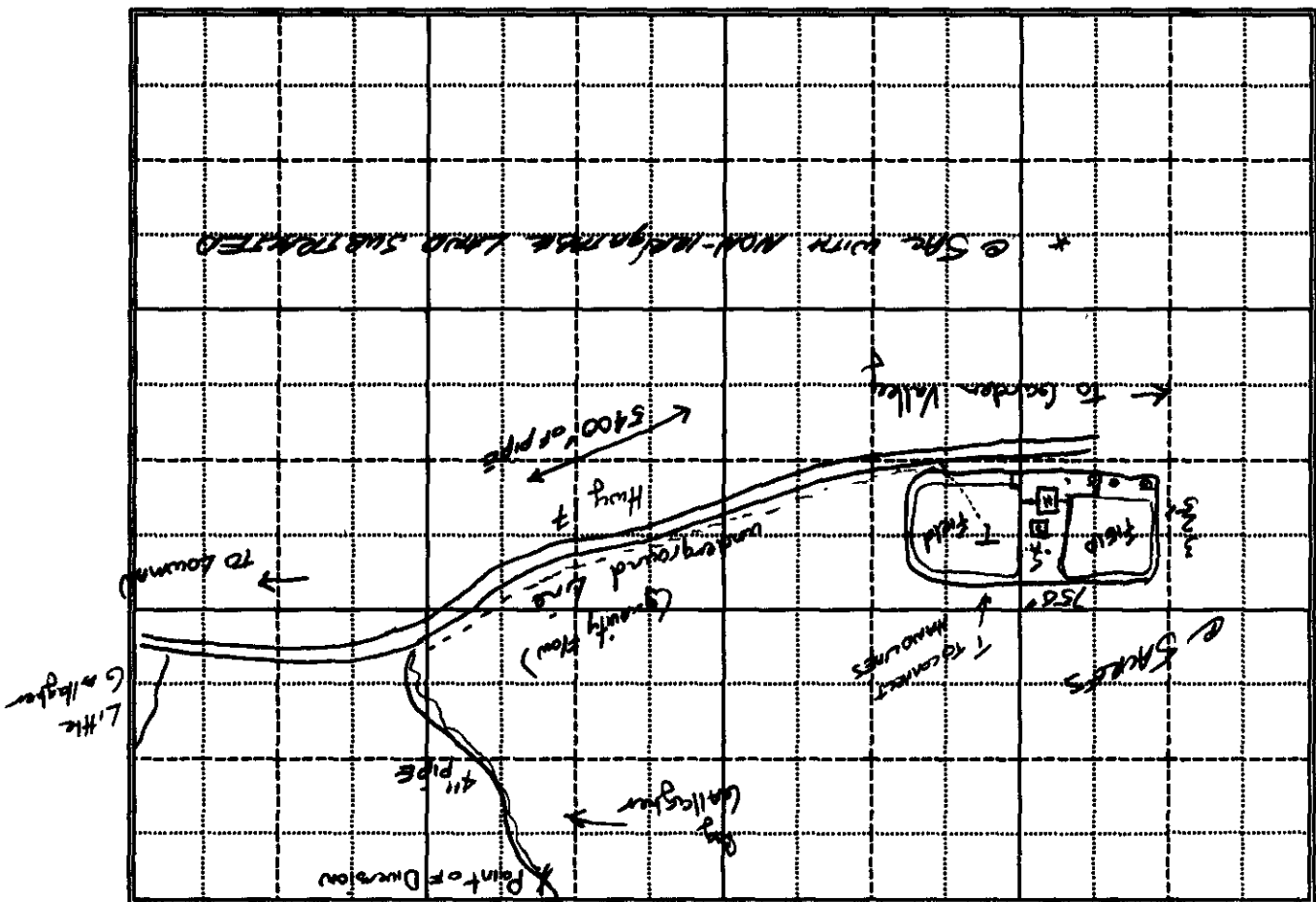
2. Place(s) of Use:

Indicate Method of Determination

[illegible]

FILED
JUN 10 1997

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe l.d. as applicable.



4. ☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
☒ Aerial Photo Attached (required for irrigation of 10+ acres)
☐ Photo of Diversion and System Attached

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Sprinkler Head: 10 5/8" means at 60 psi = 5.65 gpm x 10
 56.5 gpm / 48.8 = .13 cfs. system capacity

E. NARRATIVE/REMARKS/COMMENTS

THIS SYSTEM DIVERTS WATER FROM BIG GALLAGHER CREEK THROUGH A PIPE - FILTER - GRAVITY FEED SYSTEM. THE PERMIT HOLDER HAS A PIPE 6" IN THE CREEK. THIS PIPE LEADS TO A 4" THAT ENTERS A FILTERING SYSTEM. THIS PROCESS DEPOSITS THE WATER INTO A PIPE THAT FOLLOWS THE CREEK TO THE HIGHWAY. AT THE HIGHWAY, THE PIPE IS BURIED 5400' TO THE P/U. AT THE P/U, THE PIPE COMES OUT, AND SERVES AS A CONNECTION UNIT FOR WHATEVER HANDLINES THE OWNER NEED TO IRRIGATE THE PROPERTY WITH THE WHOLE SYSTEM IS GRAVITY FED, AND THE OWNER GETS 2 60PSI AND RUNS 10 5/32" SPRINKLERS.

* NOTE * 65-11305 IS ALSO A DIVERSION FROM BIG GALLAGHER BUT IS FURTHER DOWN THE CREEK. 65-13028 ALSO USES BIG GALLAGHER BUT FROM FURTHER DOWN THE CREEK THAN THE DIVERSION OF THIS PERMIT

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED
JUN 10 1997

SEAL

I. AUTHENTICATION

Reviewer _____ Date _____
Field Examiner's Name David J. [Signature] Date 9-16-94

☒ Change P.D. as reflected above
☐ Change P.U. as reflected above

☐ Add P.D. as reflected above
☐ Add P.U. as reflected above
☐ Other _____

2. Recommended Amendments

Beneficial Use

Irrigation

Period of Use

From 4-1
To 11-1

Rate of Diversion

Q (cfs) .13 cfs

Annual Volume

V (aia) 17.5 AFA

Totals:

.13 cfs

17.5 AFA

H. RECOMMENDATIONS

1. Recommended Amounts

-N/A-

2. Volume Calculations for Other Uses:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 5 \times 3.5 = 17.5 \text{ AFA}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .13 \times 215 \times 1.9835 = 55.4 \text{ AFA}$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 17.5 \text{ AFA}$$

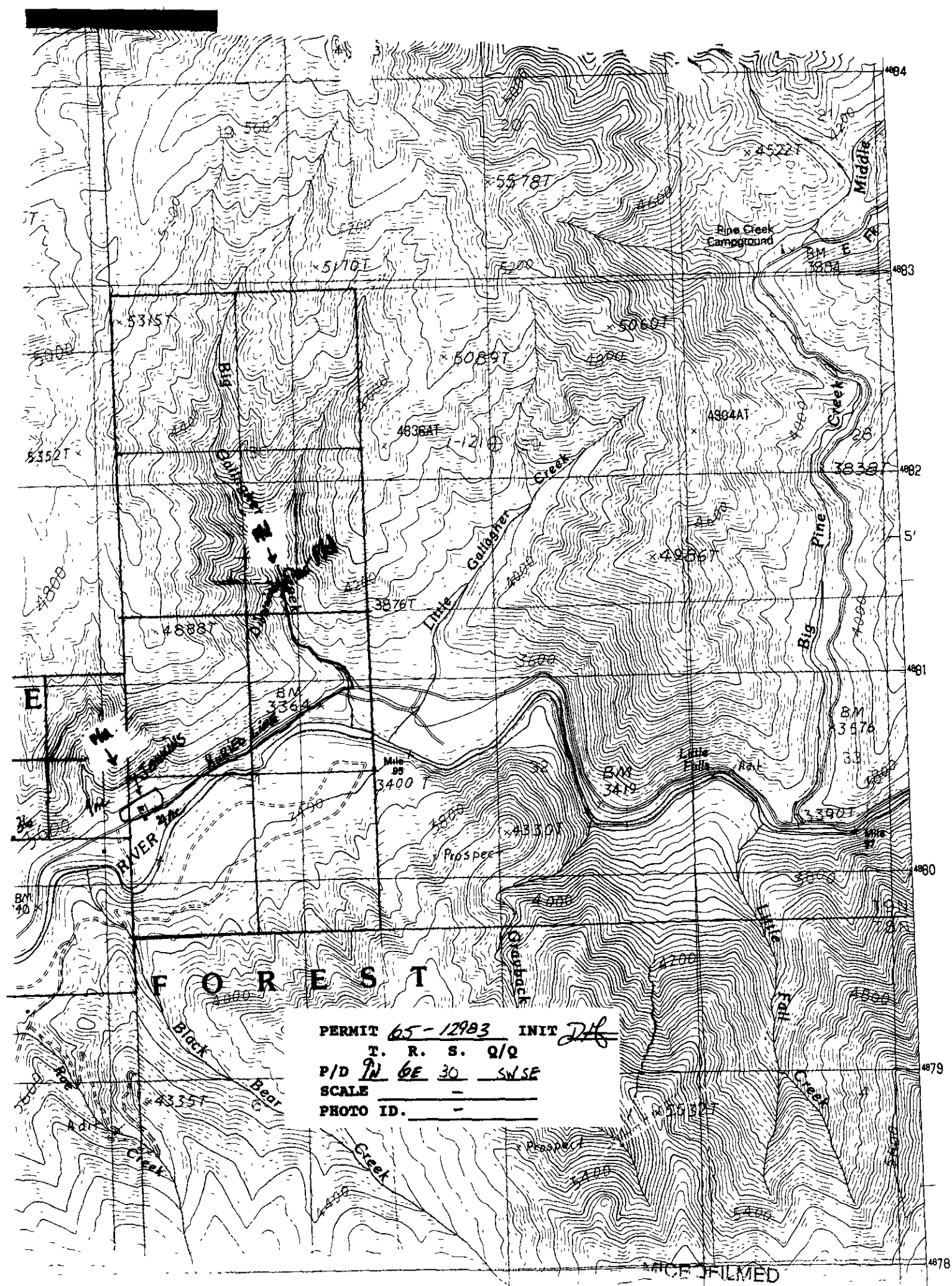
G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

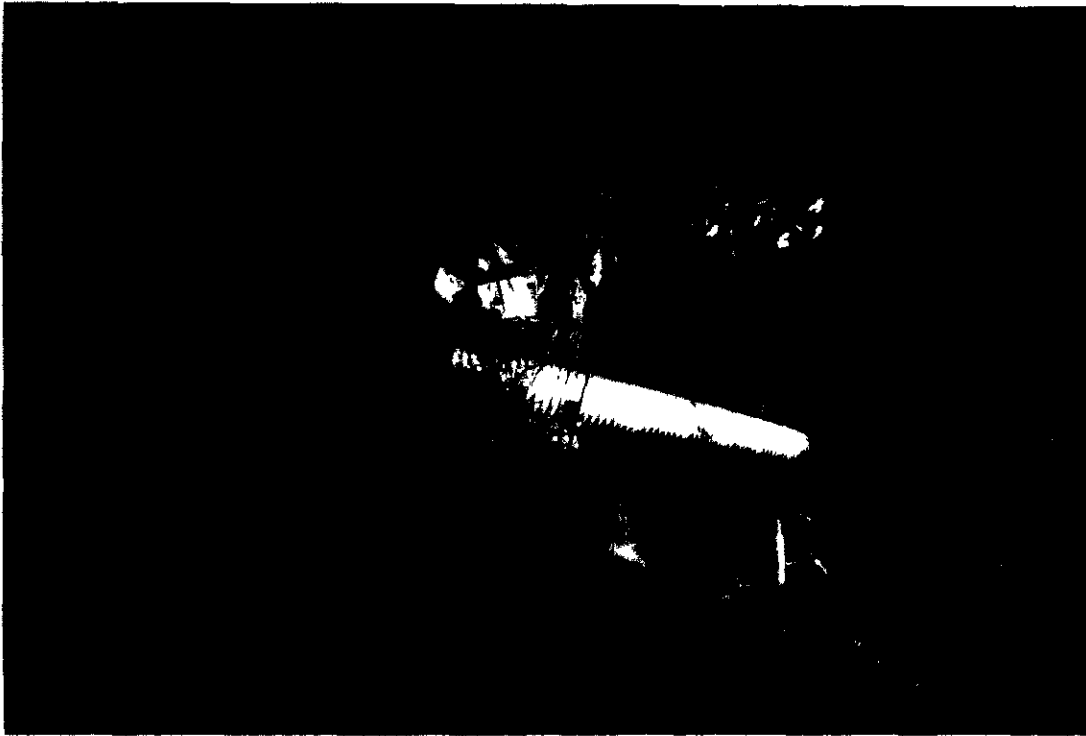
Allow .13 cfs system cap

Measured Method: Sprinkler Head : .13 cfs system capacity
NEED: Permit limit = .15 cfs

Additional Computation Sheets Attached _____



UN 10 1997



Pld. Galleger creek,
AT THIS POINT, IS
DIVERGED INTO THE
PIPE.

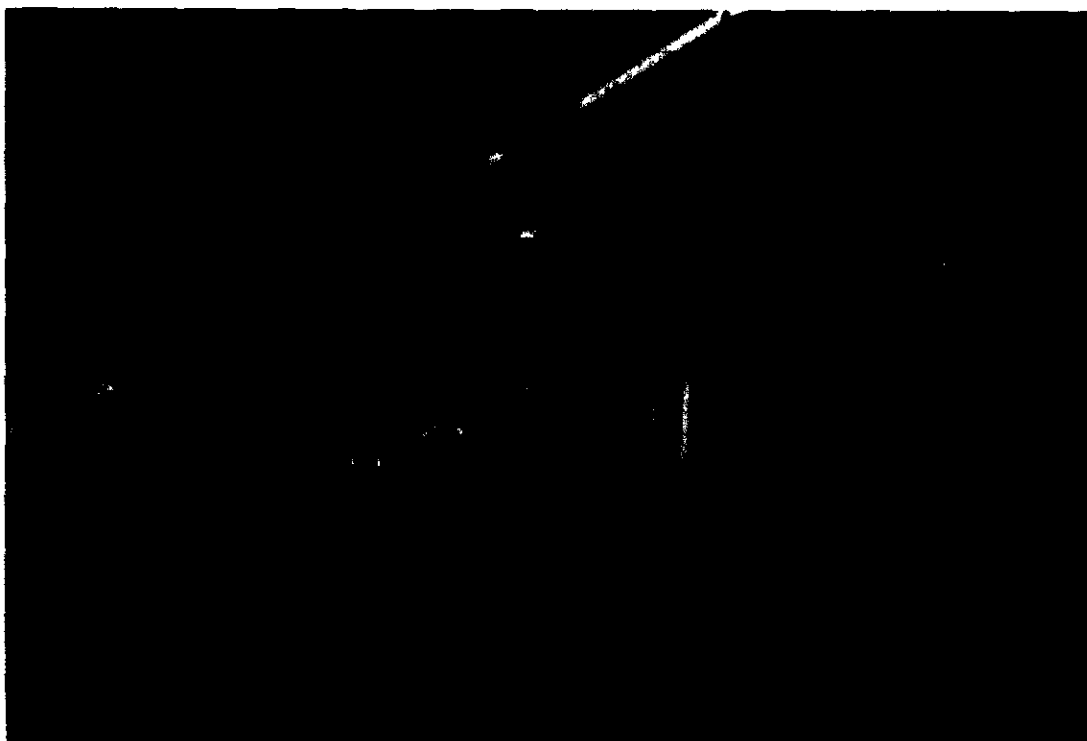
PHOTO ONE-



THE PIPE IS THEN
BROUGHT TO THIS
FILTER. WATER
IS GRAVITY FED DOWN
THE HILL TO THE
HWY.

PHOTO TWO-

MICROFILMED
JUN 10 1997



From the Highway, THE
PIPE follows THE RD TO
the JENKINS' PROPERTY.
THE BURIED COMES UP AT
THIS POINT

PHOTO THREE-



T'S ARE USED TO
IRRIGATE THE PROPERTY.

PHOTO FOUR-

MICROFILMED
JUN 10 1997

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 65-12983

Reviewed By [Signature]

Date 6-3-94

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?

Irr.

yes Address same as permit?

yes Proof timely received?

Correct Uses? yes

If not, complete calculation below.

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit _____ Correct?

☐ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

50.00 Amount Submitted

yes Correct?

MEASURING DEVICE

☐ Required?

☐ Installed?

☐ Waiver requested?

PRIORITY CALCULATION

Date proof received			
Date proof due		-	
No. of days late		=	
Priority Date		+	
New Priority Date			

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address _____

Proof Made 5-31-94

June 6, 1994

RICHARD L. JENKINS
LINDA JENKINS
HC 77 BOX 3900
GARDEN VALLEY ID 83622

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-12983

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED

JUN 30 1994

March 31, 1994

RICHARD L. JENKINS
LINDA JENKINS
HC 77 BOX 3900
GARDEN VALLEY ID 83622

PROOF DUE NOTICE

RE: PERMIT NO. 65-12983

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

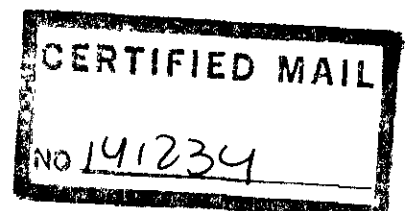
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED

JUN 30 1994





United States
Department of
Agriculture

Forest
Service
District

Emmett
Ranger

1648 N. Washington
Emmett, ID 83617

Date: April 15, 1992

Reply to: 2720

Richard L. and Linda Jenkins
P.O. Box 65
Garden Valley, ID 83622

Dear Dick and Linda:

Enclosed is an amendment to your special use permit which extends the construction time to July 3, 1994. All construction must be completed by this date. Please sign and date as holder and return to this office for counter signature.

Sincerely,

STEPHEN D. BUTLER
District Ranger

Enclosure

cc:
State of Idaho, Dept. of Water Resources
Karen Gustafson
SCS, Emmett, Herb Klug
FHA, Mike Edgerly

RECEIVED
APR 22 1992

Department of Water Resources

RECEIVED
MAY 20 1992





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 3, 1992

Richard L. and Linda Jenkins
~~P.O. Box 65~~ NC 77 Box 3900
Garden Valley, ID 83622

Re: Permit No. 65-12983

Dear Permit Holder:

Enclosed is a copy of your approved Request for Extension of Time submitted in connection with the above referenced permit. The time within which to submit proof of beneficial use is extended to June 1, 1994.

Please note that the department has granted this extension based upon governmental agency delay. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosure

c: IDWR-Regional Office

RECEIVED
MAY 20 1992

**ANALYSIS SHEET
FOR
EXTENSION OF TIME**

Permit No. 65-12983 Reviewed by Klg Date 4/1/92

BASIC INFORMATION

3/25/92 Date stamp received
yes Extension received timely
yes Fee received and receipted
no Name and signature same as permit
Address Change

BASIS FOR EXTENSION REQUEST

Has adequate work been completed to demonstrate due diligence?
Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? yes Requested?
Is delay by a government agency?
Is supporting documentation needed to complete the file? no Requested?
Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

approve Based on governmental delay
extend to 6/1/94

PRIORITY CALCULATION

Date extension received	<u>NA</u>	=	
Proof due date		=	
Number of days late		=	
Priority date		=	
New Priority Date		=	

DATA ENTRY

New Address HC 77 Box 3900 Klg
Change Proof Due Date 4/3/92 Klg

March 23-92

TO Whom It May CONCERN:

We would like to complete this project this year but the whole project hinges on what Federal Highways does. The Soil Conservation Service has approved \$3500⁰⁰ toward this project but in order to receive this money the project must be completed some time this year. If we can't complete the project this year because of the road construction then we will have to notify them so someone else can have the money. then we would have to re-apply next year.

The Federal Highway Administration says that they may start construction on the last stretch of highway (the stretch where our waterline will be) in July of 1992. We are just waiting to hear for sure what their plans are. We do not want to notify the Soil Conservation Service that we can't use their money this year until we are sure we can't. We would like to get it completed later this year providing that they get on with the road construction. We would like an extension in time to **MINIMUM** to insure us enough time for the **ROAD CONSTRUCTION** to be completed: 20 1992

I have built a trail to the diversion and Agri-Lines Irrigation has completed their estimate and will start construction whenever possible. We have received our Special Use (COVER)

permit from the U.S. Forest Service,

In order for us to receive our money from the Soil Conservation Service - we must start and complete the project during the same year.

Please grant us the extension we have requested and we will complete the project as soon as possible. We need the water.

THANK-YOU

F. Jenkins

MICROFILMED

MAY 20 1992



U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
610 EAST FIFTH STREET
VANCOUVER, WA 98661-3893

April 19, 1991

IN REPLY REFER TO
HPD-17.211
10317L.MJE

Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83720

Attention: Gary Spackman

Dear Mr. Spackman:

ID FH 24-1(7)
Banks Lowman Highway

It has come to my attention that permit number 65-12983 has been issued to Richard L. Jenkins for water rights on Big Gallagher Creek, Boise County, Idaho (a waterline).

The Federal Highway Administration is currently designing reconstruction of the section of road that the waterline is to be installed on. This work is expected to be completed in 1992 and 1993. Any installation of a waterline in the present roadway will be destroyed during this construction.

Mr. Jenkins has requested FHWA contact you to recommend his permit be extended. We would recommend extending the permit to June 1994 to ensure adequate time for installation.

Should you have any questions you may contact Mike Edgerly at (206) 696-7750.

Sincerely yours,

Scott Rustay
Project Development Engineer

cc: Richard Jenkins
Dave Patterson

MICROFILMED

MAY 20 1992

BOISE COUNTY BOARD OF COUNTY COMMISSIONERS

ANDREW F. RUSSO, JR.
District I Commissioner

MARY HANSON
District III Commissioner



USTO SCHULZ
District II Commissioner

ARLENE C. KOLAR
Clerk to the Board

22 July 1991

Gary Spackman
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83720

Re: Water Permit #65-12983

Dear Mr. Spackman:

The Boise County Board of Commissioners has granted an easement to Richard and Linda Jenkins along Boise County's right-of-way to accommodate a water line needed to carry out the requirements of Permit #65-12983.

A new road is being constructed along the route identified as ID FH 24 1(7).

Should the Jenkins install their water line before construction is completed and should the water line be destroyed during construction, the cost of replacement would have to be borne by the government.

The state is in the process of acquiring private land for the road right-of-way. Should that process cause the exact routing of the highway to be altered, including that which now belongs to the U.S. Forest Service, any routing of the water line using the present roadbed as a reference may be incorrect.

The Board suggests that the above described situation provides legitimate reasons for granting an extension of time. Accordingly, we recommend the Water Resource Board give favorable consideration to the extension requested by Richard and Linda Jenkins.

Sincerely,

Mary Hanson
Chairman
Boise County Board of Commissioners

MH:bh

MICROFILMED
MAY 20 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 16, 1991

Richard L. and Linda Jenkins
P.O. Box 65
Garden Valley, ID 83662

RE: Permit to Appropriate Water No. 65-12983

Dear Mr. and Mrs. Jenkins:

This letter acknowledges receipt of your request for extension of time dated April 24, 1991, and a letter from Scott Rustay, Project Development Engineer. I'm sorry the response is so slow. The final was buried in the bottom of my in-basket.

Your reasons for requesting an extension of time appear to be reasonable.

On approximately April 1, 1992, you will receive a proof due notice from our office. Enclosed with the proof due notice will also be an extension of time form which you should complete and return to this office if you have not constructed the project. When you return it to our office, please also refer to this correspondence. The construction of the highway, and questions of alignment, are good reasons for granting an extension of time.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

MICROFILMED
MAY 20 1992

☐ P.O. Box 248
Parma, ID 83660
208-722-5121

☐ P.O. Box 338
Grand View, ID 83624
208-834-2380

☐ P.O. Box 311
Twin Falls, ID 83301
208-734-3130

ALL PRICES TO BE THOSE IN EFFECT AT TIME OF DELIVERY

BUYER RICHARD JENKINS 462-3893

DATE 8-21-90

ADDRESS Box 5000

CHECK METHOD OF PAYMENT

CITY GARDEN VALLEY STATE ID 83622

☐ CASH ON DELIVERY ☐ 30 DAY CHARGE
☐ FINANCED ☐ CASH WITH ORDER

Quantity	Part Number	DESCRIPTION	ESTIMATED UNIT PRICE	ESTIMATED TOTAL PRICE	
5600'		4" 125' PVC GASKETED	.76	4256.00	456.00
1	400330	5X4 REDUCER C-L	24.75	24.75	
1	455140	2" PRESSURE RELIEF VALVE 60"	63.70	63.70	
3	455065	2" DRAINS GATE VALVES	13.40	40.20	
4	455140	2" AIR-VAC VALVES RV 150	25.70	102.80	
17	SPECIAL	2X30 18" RISER 2.5 FCN	54.00	918.00	1000.00
4	401422	4X4X3 TEES	8.50	34.00	
4	432401	3X30 POLY RISERS	7.45	29.80	
100'	SPECIAL	5"X25' C-L MAINLINE	3.22	322.00	
10'		6" 16 GA CMP	3.00	30.00	
1	455050	6" DITCH GATE	26.40	26.40	
3'	440505	36" 14 GA CMP W/BOTTOM	19.70	79.10	
2'	440655	2" GALV PIPE	2.72	5.44	
1	440188	2" 90° ELBOW	5.30	5.30	
1	440203	2" 90° ST EL	6.85	6.85	
		BUBBLE SCREEN - RINGS - NYLON SCREEN - Clamps etc		150.00	
5600'		TRENCH - INSTALLATION - BACKFILL	1.50	8400.00	
ESTIMATED MATERIAL TOTAL					

ESTIMATED CHARGE FOR EQUIPMENT _____ Hrs @ \$ _____ /Hr.

ESTIMATED SERVICE CHARGE-MAN HOURS _____ Hrs @ \$ _____ /Hr.

ESTIMATED DELIVERY CHARGE _____

TOTAL ESTIMATED PRICE

THIS IS FOR PURPOSE OF ESTIMATION ONLY

NOTE: ANY OTHER MATERIALS OR SERVICES NECESSARY TO COMPLETE THE JOB WHICH ARE NOT LISTED ABOVE SHALL BE CHARGED ADDITIONAL TO THE TOTAL ESTIMATED ABOVE. ALL PRICES SHALL BE THOSE IN EFFECT AT TIME OF DELIVERY AND/OR SERVICES.

ALL ITEMS SUBJECT TO AVAILABILITY. UNLESS OTHERWISE EXPRESSLY STATED ABOVE, SELLER MAKES NO PROMISE OR WARRANTY THAT DELIVERY INSTALLATION OR SERVICES SHALL BE COMPLETE ON OR BEFORE ANY SPECIFIC DATE. SUBJECT TO TERMS AND CONDITIONS ON REVERSE SIDE HEREOF

ESTIMATE SUBMITTED BY WILLIAM J. HART

MAY 20 1992

U. S. DEPARTMENT OF AGRICULTURE
Agricultural Stabilization and Conservation Service

BOISE COUNTY ASCS OFFICE
1642 N WASHINGTON AVE.
EMMETT, ID 83617-0000

Telephone (208)365-3527

02-23-92

RICHARD L JENKINS
ROUTE HC77 BOX 5000
GARDEN VALLEY, ID

83622

Pool Agmt 1 Control No. 92-0004
Program. Agricultural Conservation Program
Technical Agency: Soil Conservation Service
Lifespan: (yrs) 10

Dear MR. JENKINS

Your request for cost-sharing under the above program has been approved for the practice indicated on the attached ACP-245.

If you are not satisfied with the practice approved or cost-shares approved, you may appeal in writing to the County ASC Committee within 15 days from the date of this letter.

The following items should serve as a guide in completing and reporting the approved practice.

1. Make arrangements to install the conservation practice as soon as practical.
2. Make arrangements to obtain the necessary easements and permits to perform the practice.
3. Carry out the practice in accordance with specified requirements to ensure an effective practice. The specifications must be met to qualify for the cost-shares approved.
4. If you start the practice and cannot complete it before the expiration date, please notify us in advance. If the reasons justify an extension of time, the committee may approve an extension.
5. Furnish a report of performance on the attached ACP-245 immediately upon completion of the practice and not later than the expiration date indicated on the form; otherwise, the approval for cost-sharing will be cancelled. In column G, enter the extent performed, if known, otherwise enter the word "Yes".
6. Furnish sales slip, invoice, or other evidence for the materials used in connection with each practice so it can be used in determining your cost-share payment.

Gerald J. Elson
County Executive Director
MICROFILMED

MAY 20 1992

ACP-245 U.S. DEPARTMENT OF AGRICULTURE ST. & CO. & C/D CONTROL NO.(F/Y & NO.)
(08-08-90) PRACTICE APPROVAL AND PAYMENT APPLICATION 16 015 1 92 0004

NOTE No further monies or other benefits may be paid out under this program unless this report is completed and filed as required by existing law and regulations. (16 USC 590 et seq., 1301 et seq., 1501 et seq., 2101 et seq., 2201 et seq., PL 96-108 and 96-528, 7 CFR Parts 700, 701 and 752.) Any fraudulent claim made hereunder may subject the applicant to Federal criminal and civil penalties as provided in 18 USC 287, 1001, and 31 USC 231.

FARM No.	NAME AND ADDRESS RICHARD L JENKINS ROUTE HC77 BOX 5000	FARMLAND	PROGRAM CODE	FUND CODE	CONTRACT/LTA & ITEM NO.	PRIMARY PURPOSE	EXPIRATION NOTICE Practice must be completed and reported by 09-15-92
TRACT No.	GARDEN VALLEY, ID 83622	CROPLAND	ACP-ANA	00		WATER CONSERVATION	
Telephone No. 000-000-0000							ID 518-38-8622 S

Your request for program cost-sharing to perform the practice shown below is approved for the farm identified above. If you decide not to perform this practice, or if you cannot complete it by the expiration date, please notify the issuing County ASCS Office at once.

DESCRIPTION OF CONSERVATION AND/OR ENVIRONMENTAL PROBLEM
WATER CONS.

FOR COUNTY ASC COMMITTEE USE

Number	Practice Title	Extent Requested	Extent Approved	Rate	Cost-Shares Approved	Extent Performed	Cost-Shares Earned
A	B	C	D	E	F	G	H
WC4	Irrigation water conservation (AS)				3500*		
W7	PIPELINE	6200.0	620.0	75%	3500		
IWM	IRRIGATION WATER MANG.-NON C/S COMPONENT	8.0	5.0	.00			
ST	STRUCTURES	2.0	2.0	0%			
	FT						
	AC						
	NO						

- * - Total Cost-Shares Approved For Practice, Component Figures Shown Are Included In This Amount
W7 - 75% of cost not to exceed amount in column F.
IWM - Cannot exceed amount in column F.
ST - 75% of cost not to exceed amount in column F.

INSTRUCTIONS TO PARTICIPANT To receive payment or credit for any cost-shares earned on this practice, report performance in col. G and complete ITEMS X and Y below; date and sign the certification below and file with the issuing office by the date noted in EXPIRATION NOTICE.

APPROVAL ISSUED FOR THE COUNTY COMMITTEE DATE
Gerald Y Elton 2/24/92

X. Did you bear all the expense (except for program cost-sharing) for performing this practice? (If No, report name(s) and address(es) of other person(s) or agency who bore any part of the expenses. Also show kind, extent and value of their contribution.)

YES / / NO / /

Y. During the current fiscal year Oct. 1 - Sep. 30, have you received or will you receive a cost-share payment on this or any other farm for a practice other than on this ACP-245? (If yes, report name of State and County for each such farm.) YES / / NO / /

Total Cost-Shares Earned	
Payment Advance (Partial Payment)	
Setoff	
Debt Assignment	
Net Payment	
Payment Approved (Initials)	Check Number

CERTIFICATION BY PARTICIPANT I certify that the above information is true and correct. I further certify that the entry in Column G shows that the practice was performed in accordance with the practice specifications and other program requirements. I hereby apply for payment to the extent that the County ASC Committee has determined that the practice has been performed. I agree to maintain this practice for at least 10 years following the year the practice is completed. I agree to refund all or part of the cost-share assistance paid to me as determined by the County Committee, if before the expiration of the practice lifespan specified above, I (a) destroy the practice installed, or (b) voluntarily relinquish control or title to the land on which the installed practice has been established and the new owner and/or operator of the land does not agree in writing to properly maintain the practice for the remainder of its specified lifespan.

SIGNATURE

MAY 20 1992

PARTICIPATION IN ASCS PROGRAMS IS OPEN TO ALL ELIGIBLE APPLICANTS WITHOUT REGARD TO RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE, SEX, MARITAL STATUS, MENTAL OR PHYSICAL HANDICAP.

March 31, 1992

RICHARD L. JENKINS
LINDA JENKINS
P.O. BOX 65
GARDEN VALLEY ID 83622

CERTIFIED MAIL

NO. 138779

RE: PERMIT NO. 65-12983 PROOF DUE NOTICE

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

MICROFILMED

MAY 20 1992

BOISE COUNTY BOARD OF COUNTY COMMISSIONERS

ANDREW F. RUSSO, JR.
District I Commissioner

MARY HANSON
District III Commissioner



USTO SCHULZ
District II Commissioner

ARLENE C. KOLAR
Clerk to the Board

22 July 1991

RECEIVED
JUL 24 1991

Gary Spackman
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83720

Department of Water Resources

Re: Water Permit #65-12983

Dear Mr. Spackman:

The Boise County Board of Commissioners has granted an easement to Richard and Linda Jenkins along Boise County's right-of-way to accomodate a water line needed to carry out the requirements of Permit #65-12983.

A new road is being constructed along the route identified as ID FH 24 1(7).

Should the Jenkins install their water line before construction is completed and should the water line be destroyed during construction, the cost of replacement would have to be borne by the government.

The state is in the process of acquiring private land for the road right-of-way. Should that process cause the exact routing of the highway to be altered, including that which now belongs to the U.S. Forest Service, any routing of the water line using the present roadbed as a reference may be incorrect.

The Board suggests that the above described situation provides legitimate reasons for granting an extension of time. Accordingly, we recommend the Water Resource Board give favorable consideration to the extension requested by Richard and Linda Jenkins.

Sincerely,

Mary Hanson

Mary Hanson
Chairman
Boise County Board of Commissioners

MH:bh

MICROFILMED

MAY 20 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 16, 1991

Richard L. and Linda Jenkins
P.O. Box 65
Garden Valley, ID 83662

RE: Permit to Appropriate Water No. 65-12983

Dear Mr. and Mrs. Jenkins:

This letter acknowledges receipt of your request for extension of time dated April 24, 1991, and a letter from Scott Rustay, Project Development Engineer. I'm sorry the response is so slow. The final was buried in the bottom of my in-basket.

Your reasons for requesting an extension of time appear to be reasonable.

On approximately April 1, 1992, you will receive a proof due notice from our office. Enclosed with the proof due notice will also be an extension of time form which you should complete and return to this office if you have not constructed the project. When you return it to our office, please also refer to this correspondence. The construction of the highway, and questions of alignment, are good reasons for granting an extension of time.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

RECEIVED

MAY 20 1992

RECEIVED
JUN 18 1991

June 16, 1991

Department of Water Resources

Gary Spackman
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho
83706

Dear Gary,

I contacted you recently requesting a time extension on my water project from Big Gallagher Creek due to road construction. The Federal Highway Administration has also written you concerning the need for an extension because of conflict which exists between my water project and the Banks-Lowman Highway. I have not received a response from you and really need one in the near future so I will know what to plan for. Thanks so much Gary for your help and consideration in this matter.

Sincerely,



Richard L. Jenkins
HC77 Box 5000
Garden Valley, Id.
83622

MICROFILMED
MAY 20 1992



U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
610 EAST FIFTH STREET
VANCOUVER, WA 98661-3893

April 19, 1991

IN REPLY REFER TO
HPD-17.211
10317L.MJE

Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83720

Attention: Gary Spackman

Dear Mr. Spackman:

ID FH 24-1(7)
Banks Lowman Highway

It has come to my attention that permit number 65-12983 has been issued to Richard L. Jenkins for water rights on Big Gallagher Creek, Boise County, Idaho (a waterline).

The Federal Highway Administration is currently designing reconstruction of the section of road that the waterline is to be installed on. This work is expected to be completed in 1992 and 1993. Any installation of a waterline in the present roadway will be destroyed during this construction.

Mr. Jenkins has requested FHWA contact you to recommend his permit be extended. We would recommend extending the permit to June 1994 to ensure adequate time for installation.

Should you have any questions you may contact Mike Edgerly at (206) 696-7750.

Sincerely yours,

Scott Rustay
Project Development Engineer

cc: Richard Jenkins
Dave Patterson

MICROFILMED
MAY 20 1992

Idaho Dept. of Water Resources
1301 N. ORCHARD
Boise - Id. 83720

April 24-91

RECEIVED

APR 26 1991

Department of Water Resources

DEAR MR. SPACKMAN -

this is in regards to permit # 65-12983
which includes a pipeline from Big Gallagher
Creek to my property. I would like an
extension on my time until June of 1994.
My pipeline will be interfering with the
Road construction on the BANKS-Lowman
highway and will have to be removed.
I would prefer to put it in later rather
than put it in now and have it torn
out next year. THANK you for your
consideration.

Sincerely -
Richard L Jenkins

Hc77 Box 5000
GARDEN VALLEY
Id. 83622

MICROFILMED

MAY 20 1992



U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
610 EAST FIFTH STREET
VANCOUVER, WA 98661-3893

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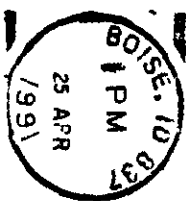
Sincerely yours,

Scott Rustay
Project Development Engineer

cc: Richard Jenkins
Dave Patterson

MICROFILMED
MAY 20 1992

Hart Box 5000
Garden Valley
Id. 83622



Idaho Dept. Of Water Resources
1301 N. Orchard

ATTENTION:
Bouse - Id. 83720

GARY SPACKMAN

FILED
MAY 20 1992



U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
610 EAST FIFTH STREET
VANCOUVER, WA 98661-3893

RECEIVED
APR 24 1991

Department of Water Resources

April 19, 1991

IN REPLY REFER TO
HPD-17.211
10317L.MJE

Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83720

Attention: Gary Spackman

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Should you have any questions you may contact Mike Edgerly at (206) 696-7750.

Sincerely yours,


Scott Rustay
Project Development Engineer

cc: Richard Jenkins
Dave Patterson

MICROFILMED

MAY 20 1992

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
May 22, 1990

RICHARD L. JENKINS
LINDA JENKINS
P.O. BOX 65
GARDEN VALLEY, ID 83622

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P65-12983

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Natural flow of the Payette River is fully appropriated except during periods of flood flow. Your permit is conditioned to require you to obtain storage water to compensate for your diversion of natural flow from the river. The amount of storage which you will be required to obtain is approximately 3 acre-feet per acre of irrigated ground. You will be notified in the future of the necessity to obtain storage water.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of

RECORDED

JUN 06 1990



Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

INDEXED

JUN 06 1990

MEMORANDUM

TO: File No. 65-13028
FROM: Gary Spackman *Gary*
DATE: May 16, 1990

RE: Limitation of Flow Rate to 0.02 cfs Per Acre

Application no. 65-13028 was filed by Billy L. Elam. It may be filed in conjunction with application no. 65-12983, filed by Richard and Linda Jenkins.

Administrator's Memorandum No. 17 authorizes the permitting of 0.03 cfs per acre for acreages less than five acres. Although this system may be a joint system which will irrigate up to nine acres, we accepted the original application from the Jenkins for .03 cfs per acre, and should also allow the same rate of flow for the Elam filing. We granted a more liberal flow rate even though Elam did not request a higher flow rate. Elam may have misunderstood what he is entitled to.

MICROFILMED

JUN 06 1990

plc 9N 6-36 JENE L.1
31 JENE, N E
Form No. 202a.

4/87 9N 6E 5.31 AESW L.2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: JE

DATE: 3/2/89

APPLICATION: 65-12983

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
☒ Address:
☒ Source: (See USGS Quad for names of water sources)
☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
☒ County:
☒ Quantity: (flow and/or volume)
☒ Period of use:
☒ Nature of proposed use: (Include description of use)
☒ Description of diverting works:
☒ Time required for beneficial use of water: 5 yrs., see Remarks in application
☒ Place of use or acres irrigated:
☒ Map:
☒ Signature: (If applicant is corp., partnership, or municipality title of signator is required)
☒ Fee:
☒ yes ☐ No* In form to receipt:

Gov't. Lots:

N P/D

Y P/U

ADDITIONAL INFORMATION

- YES NO
☒ Overlapping place of use: (Describe source & relationship to present application on the back.)
☒ Overlapping point of diversion:
☒ Field check required: Field check by: _____
☒ Field report attached:
☒ Critical groundwater area:
☒ Groundwater management area:
☒ Send dam safety information:
☒ Send power requirement letter:
☒ Send fish farm requirement letter:
☒ Power residency affidavit:
☒ Power efficiency form:
☒ Within trust water boundry: (If yes, attach Trust Water Supplementary Analysis Sheet.)
☒ Diversion greater than 5 cfs or 500 af: (If yes, attach Large Diversion supplementary analysis sheet.)
☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED: _____

☒ Additional information on reverse side: _____

*File
copy
discarded*

PROCESSING

YES NO

- ☒ ☐ In form for advertising:
☐ ☒ Statewide advertising:
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

- ☐ ☒ I.D. Health and Welfare
☐ ☒ I.D. Fish and Game
☐ ☒ I.D. Lands
☐ ☒ Adjudication Bureau

YES NO

- ☒ ☐ U.S. BLM
☒ ☐ U.S. Forest Svc.
☐ ☒ Water District # _____
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW

YES NO

- ☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:

☒ ☐ Protests received, Final date for protest April 3, 1989

☐ ☐ Protests, dates, resolution of protest recorded on application:

☐ ☒ Recommendations attached: Approve, Dnr

☐ ☒ Measuring device required:

☐ ☒ Measuring port required:

☒ ☐ Water delivered by water master? District # 65 (Payette R) Cond # 05 (65, Payette R)

☒ ☐ Special conditions of approval or cover letter: (see additional info. below)

☒ ☐ See Below For Additional Information

Recommended Date of Priority 2/23/1989

Recommended by: Dnr Date 2/14/1990

STATE OFFICE REVIEW

P71, P17

05(65) 04 26 59

See below for additional information, By kw Date 3-6-90

ADDITIONAL INFORMATION

Overlap

pld 65-12589, 65-11305 different diversions from Big Gallagher Ck.

pln 65-11310 unnamed stream for other irrig. system on other land.

65-07047 Black Bear Ck (Hillstrom land) actually for lands on south side

of S.F. Payette; applicant's land is on N. side.

65-12589 as in pld above, irrigates other land

Applicant refers to 65-12562 in item 10 on appl, this is a permit for well for
2 homes and 5 ac irrig. in L.2 SE1/4 S. 31, which is N. of land in application.

* per. Field investigation of App' to avoid forfeiture of 65-07047, summer, 1988 by this reviewer.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 5, 1990

Richard L. and/or Linda Jenkins
P.O. Box 65
Garden Valley, ID 83622

Re: Application for Permit No. 65-12983 in the name of Richard L. and/or
Linda Jenkins

Dear Applicants:

This office acknowledges receipt of the withdrawal of protest against the
above-referenced application.

The Department now will continue to process the application.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

cc: Emmett Ranger District, James C. Lancaster

MICROFILMED

JUN 06 1990

United States
Department of
Agriculture

Forest
Service

Emmett
Ranger
District

1608 W. Washington
Emmett, ID 83617

2540/2720
January 2, 1990

David R. Tuthill, Jr. *DR*
Manager, Western Regional Office
Department of Water Resources
2735 Airport Way
Boise, ID 83705

RECEIVED
JAN 3 1990

Department of Water Resources
Western Regional Office

Dear Mr. Tuthill:

65-12983 ← We have been in contact with Richard/Linda Jenkins, application for permit No. ~~65-13028~~ and Billy L. Elam, application for permit No. 65-13028, concerning protests filed by J. S. Tixier, Regional Forester, Intermountain Region of the Forest Service. Both parties have agreed to pursue special use permits authorizing construction of diversion structures and water transmission lines on National Forest lands. Our hydrologist has inspected the quantity of water available in Big Gallagher Creek (T.9N., R.6E., Section 31, N.E. 1/4) and believes there is sufficient water to meet both public and private needs.

I see no need to continue the protest procedure. We will move forward with our process of accepting and analyzing applications for a special use permit to develop facilities that will deliver agriculture irrigation water to private land owned by the Jenkins family and Billy Elam.

Sincerely,

James C. Lancaster

JAMES C. LANCASTER
District Ranger

MICROFILMED

JUN 10 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 14, 1989

Richard L. &/or Linda Jenkins
P.O. Box 65
Garden Valley, ID 83622

Re: Application for Permit #65-12983

Dear Mr. & Mrs. Jenkins:

The purpose of this letter is to inquire about the status of the above-referenced application for permit. The last information that we received regarding the application indicated that personnel from the Emmett Ranger District Office were working with you toward resolution of the protest. Please advise this office no later than January 4, 1990, regarding the status of the application.

Sincerely,

A handwritten signature in cursive script that reads 'David R. Tuthill, Jr.'.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

CC: Emmett Ranger District, Attention Lynn Reinig

MICROFILMED

JUN 06 1990

CONVERSATION MEMORANDUM

DATE 4 / 189

FILE ~~65-12983~~ 65-12983

NAME OF PARTY Lyn Reinig 3369140 Emmett Ranger Dist Office

EMPLOYEE Dave Tuthill

RE: 65-12983

USFS has met with Mr Jenkins — They are

working on a solution.

AT

INDEXED

JUN 06 1990

SPECIAL NOTE: _____

Application No. 65-12983

PROTEST INFORMATION SHEET

Protestant - Name(s)

J.S. Tixier

Address U.S. Dept. of Agriculture, Forest Service,
324 25th St., Ogden, UT 84401

Attorney - Name & Address _____

Date Filed 3-27-89 Protest Date 4-3-89

Issues _____

Applicant - Attorney - Name & Address _____

Dates: _____

Acknowledgement letters: _____

Hearing Notice: _____

Hearing Date: _____

Other: _____

MicroFILMED
JUN 06 1990

FEB 26 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 3, 1989

Richard &/or Linda Jenkins
P.O. Box 65
Garden Valley, ID 83622

Re: Application for Permit No. 65-12983

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

Please contact this office if you have questions regarding this procedure.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

Enclosure: Copy of protest(s)

RECEIVED

JUN 06 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 3, 1989

J. S. Tixier, Regional Forester
U.S. Dept. of Agriculture
Forest Service
324 25th St.
Ogden, UT 84401

Re: Application for Permit No. 65-12983 in the Name of Richard L. and/or
Linda Jenkins

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application or permit (Section 42-1203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Sincerely,

David R. Tuthill

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

RECEIVED

JUN 06 1990



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401

RECEIVED
MAR 29 1989

Reply to: 2540

Date: **MAR 24 1989**

Department of Water Resources
Western Regional Office

Mr. R. Keith Higginson:
Director
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

MAR 27 1989

Department of Water Resources

Dear Mr. Higginson:

We are writing to protest Application for Permit No. 65-12983 filed by Richard and Linda Jenkins to appropriate 0.15 cfs from Big Gallagher Creek for irrigation purposes. Our protest is based on the following:

1. The applicants do not have a special-use permit to occupy National Forest land. Without the permit, the applicants will be unable to put water to beneficial use. We have not yet fully assessed the effect of the proposed diversion, however, current Forest Service policy grants special-use permits under similar conditions only if there are no opportunities to develop water from private sources.
2. Potential campground development at the mouth of Big Gallagher Creek may necessitate the use of water for National Forest purposes from this stream for irrigation in the future.
3. Potential winter range development for big game on the flat at the mouth of Big Gallagher may occur in the future. Water from Big Gallagher would be necessary for irrigation in this instance.
4. Instream flow needs for channel maintenance of Big Gallagher have not yet been determined. Field measurements for quantification will occur this summer.

Based on the above, the application should be denied.

Sincerely,

for J. S. Tixier
J. S. TIXIER
Regional Forester

MICROFILMED

JUN 06 1990



Caring for the Land and Serving People

FS-6200-28(7-82)



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 9, 1989

J. S. Tixier, Regional Forester
U. S. Dept. of Agriculture
Forest Service
324 25th St.
Ogden, UT 84401

Re: Applications for Permit No.: 65-12983, in the Name of Richard L. and/or
Linda Jenkins.

Dear Mr. Tixier:

Enclosed is a copy(s) of the above-referenced application(s) for permit which may be of interest to your agency. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter, however, if your agency desires to file a formal protest against the approval of this application(s), your written protest must be received in this office by April 3, 1989.

If you have any questions regarding the application, please contact this office.

Sincerely,

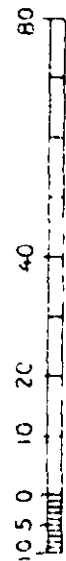
DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:jp

Enclosure(s):

MICROFILMED

JUN 06 1990



Office of

DEPARTMENT C

65-12983

JENKINS, RICHARD L.
JENKINS, LINDA
P.O. BOX 65
GRDEN VALLEY, ID 83622

Source: BIG GALLAGHER CREEK

Tributary: PAYETTE RIVER, SOUTH FORK

Diversion Pt:	NWSE	Sec 30	T 09N	R 06E
	SWSE	Sec 30	T 09N	R 06E
	NENE	Sec 31	T 09N	R 06E
	NWNE	Sec 31	T 09N	R 06E

Use: IRRIGATION (.150 CFS)

Date Filed: 2/23/1989

In: T09N R05E S36 Lot 1 (SENE)
R06E S31 Lot 2 (NESW)

5.0 ACRES TOTAL

RECORDED

JUL 11 - 1989