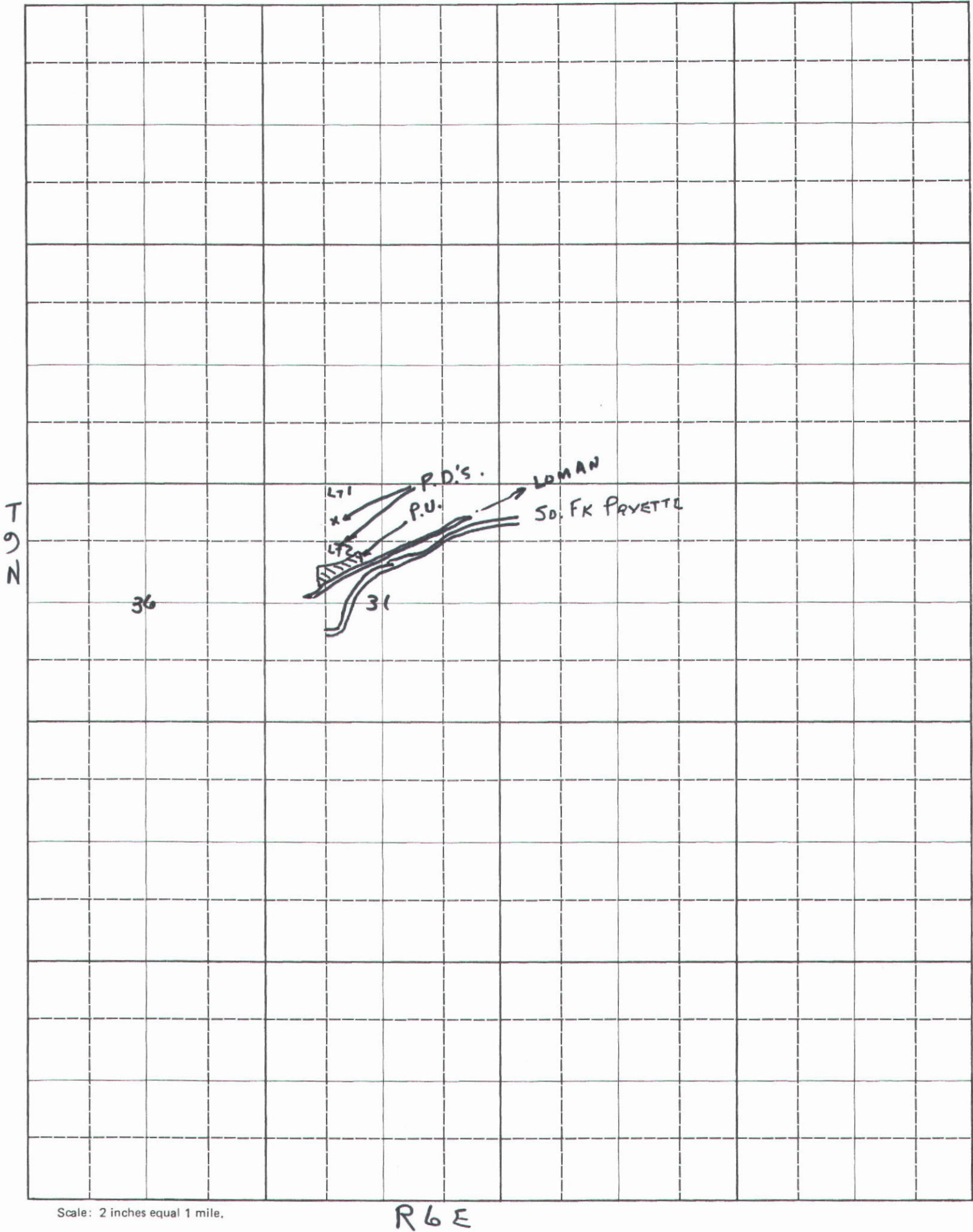


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

MICROFILMED

Guida Jenkns
(Applicant)

RGE

(Include distance from pump to measuring device, if applicable.)



Place(s) of Use

1

None

[- Other

Date 3/25/82

Date 4/15/83

Date 6/30/83

MICROFILMED

2 1 2



omes Mills

Field Examination

RTs 65-10383

7/20/82

65-10382

RGE

36

31

L1

Q.P.L.I

2.1

7.0A

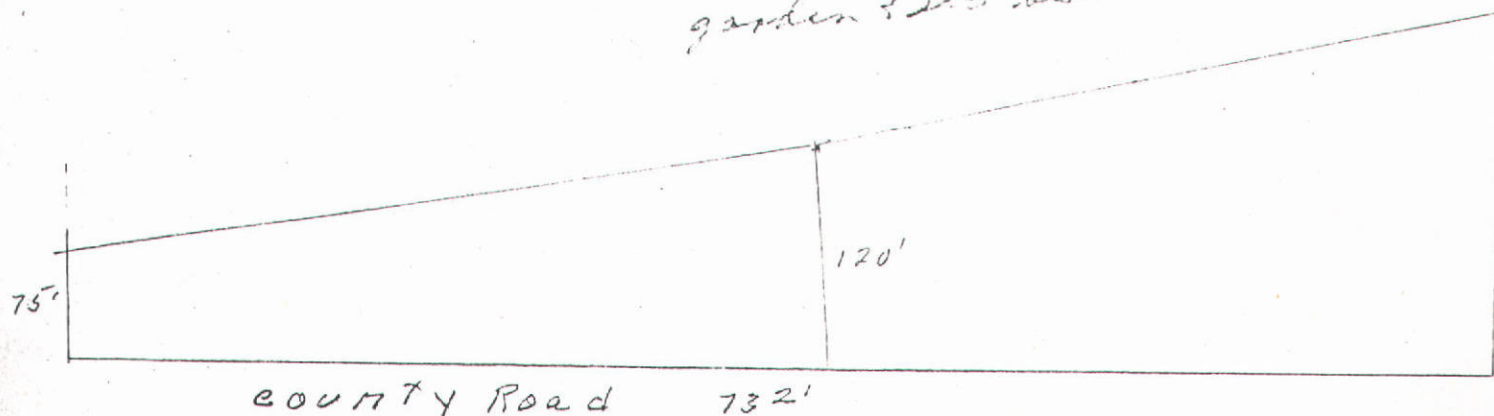
SOUTH Fork Payette
River

POOR QUALITY ORIGINAL
CENTRE FOR DOCUMENTATION

James M. Mills

Right 68-10382

Estimated 1 acre of fruit trees
garden + etc. below house



$$(125 \text{ ft ave}) \times 732 = 91500 \div 43560 = \rightarrow 2.1 \text{ acres}$$

TOTAL acres

3.1

POOR QUALITY ORIGINAL

MICROFILMED

STATE OF IDAHO
Department of Water Resources

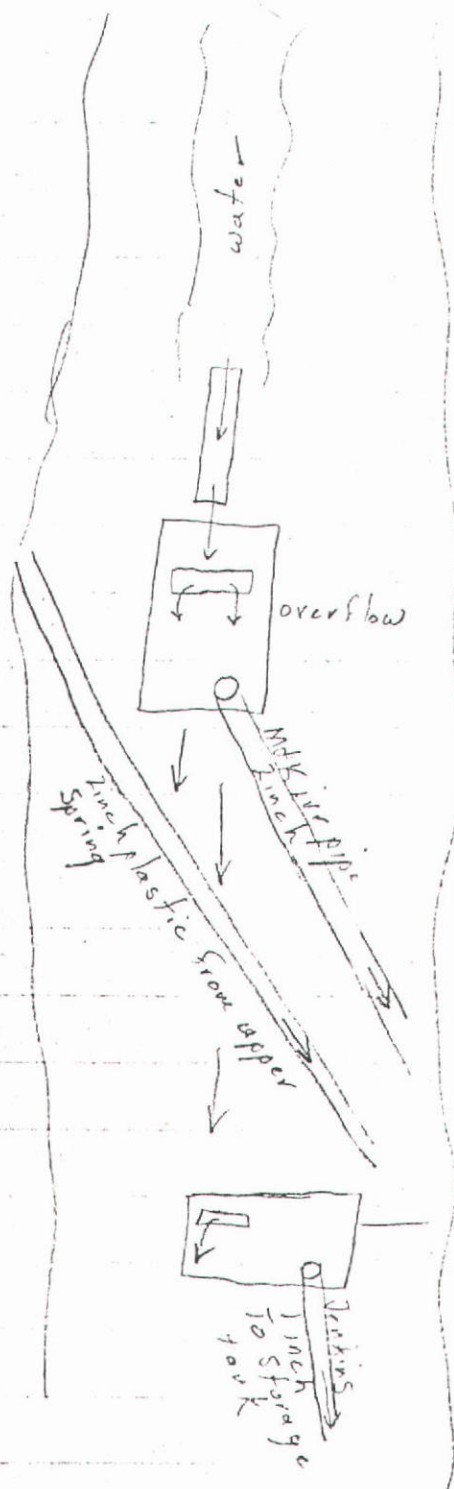
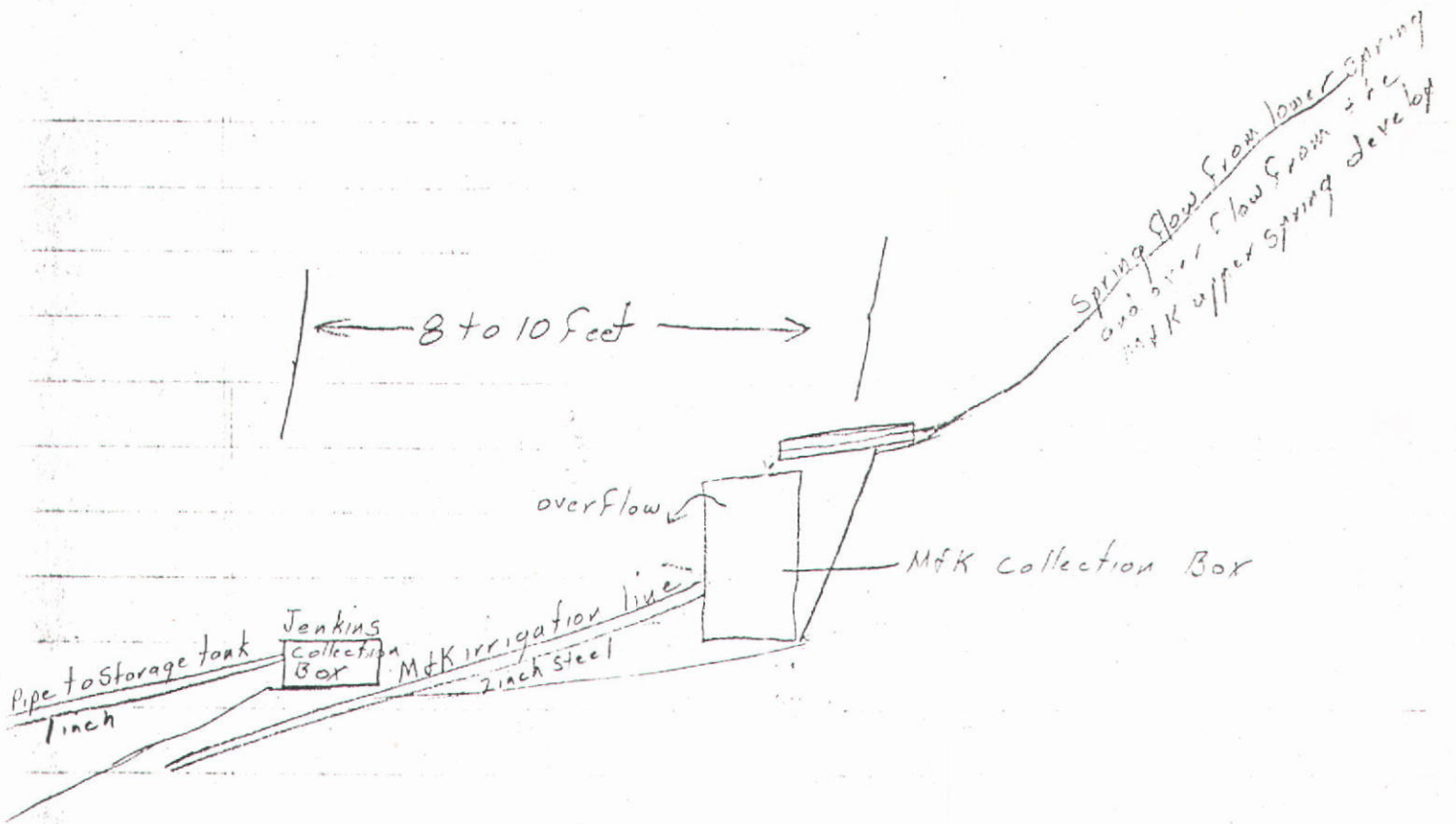
FIELD INSPECTION REPORT

1. Date: 4/26/82 Time: _____ Photos: _____ Yes _____ No _____
2. Inspection involves: ☒ Water Rights _____ Dam Safety _____ Well Construction or Driller
_____ Waste Well _____ Stream Channel Alteration _____ Water Distribution
_____ Other _____
3. Reason for inspection: 65-10383 Mills - Knoblock conflict with Don Adair
over spring
4. Stream name: unnamed spring
5. Stream characteristics: steep hillside with gully
gully with spring located in gully
6. Stream width: 5 Depth: 1 Gradient: _____ Q: _____ est. 3 inches
meas. _____
7. Location: SW 1/4 NW 1/4, Sec. 51, Twp. 24, Rge. 6E, County Boise
Landmark: _____
8. Person(s) contacted: Knoblock - Jenkins and Don Adair USFS
9. Dam name: _____ Spilling: _____ No _____ Yes Q
Outlet open: _____ No _____ Yes Q _____ Spillway open: _____ Yes _____ Fibrd _____ Gate open
Freeboard: Spillway _____ Crest _____ Res. stage: _____ Rising _____ Falling _____ Rate

10. Area characteristics: steep hillside next to SE Payette
River.
11. Weather conditions: clear
12. Describe activity/conditions inspected: Knoblock and Jenkins are
fighting over spring and diverting works.
Appears to be plenty of water to satisfy both
rights but spring has to be closed together
to allow clearing and maintenance work.
13. Are all requirements being met? ☒ Yes
If not, check type violated: _____ Statutory _____ Rules & Regs _____ Permit _____
14. Describe impact on others: _____
15. Describe alternatives: Don Adair suggested both parties
to cooperate and Don Jenkins to move
his diversion work to lower stream to
avoid over crowding problem.

POOR QUALITY ORIGINAL

MICROFILMED



8 to 10 Feet

Jenkins Collection Box

POOR QUALITY ORIGINAL

MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 65-12406 Priority April 6, 1981 Amount 0.04 cfs

THIS IS TO CERTIFY, that Richard L. &/or Linda J. Jenkins
of Garden Valley, Idaho, has complied with the terms and conditions of Permit
No. 65-12406 issued pursuant to Application for Permit dated April 6, 1981,
and has submitted proof to the Department of Water Resources on March 25, 1982,
that he has applied water to a beneficial use, an examination by the Department indicates that the works have a
capacity for the diversion of 0.04 cfs of water from spring,
tributary to Payette River, South Fork, and that the permit holder has applied to a beneficial use and
established a right to use water as follows

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic (1 unit)	from <u>April 15</u> to <u>October 15</u>	at <u>0.04</u> cfs and	<u>1.2</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.04 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1.2 acre feet per year, said waters to be diverted within the Government Lot 2 (SE 1/4 NW 1/4)
Section 31, Twp 9N, Rge 6E in the County of Boise

Description and location of place of use

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9N	6E	31							GL 2 X						

Total number of acres irrigated _____

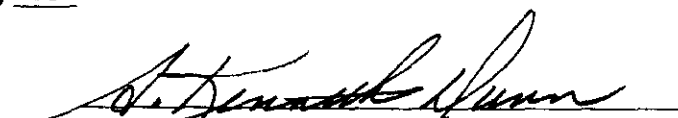
Use of water under this license is subject to control by the
watermaster of State Water District No. 65, Payette River.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 25th day of

July, 19 83


Director

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Richard L. &/or Linda J. Jenkins Phone _____
Post office address P.O. Box 65, Garden Valley, ID 83622

2. Source of water supply Springs which is a tributary of Payette River, South Fork

3. Location of point of diversion is Lot 1 (NENW), Lot 2 (SENW)
xxxxxxx 1/4 of xxxxxxxx 1/4 of Section 31 Township 9N
Range 6E B.M. Boise County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 cfs for Domestic purposes from 4/15 to 10/15 (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:

a. 0.04 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Spring boxes with sand traps, pipelines & 1000 gallon tanks, with pipeline to place of use.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is **not** for irrigation: Lot 2 (SENW)
(1) Give the place of use of water: xxxxxxx 1/4 of xxxxxxxx 1/4 of Section 31 Township 9N
Range 6E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 1.

(5) If water is to be used for other purposes describe: _____

MICROFILMED

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Forest Service.

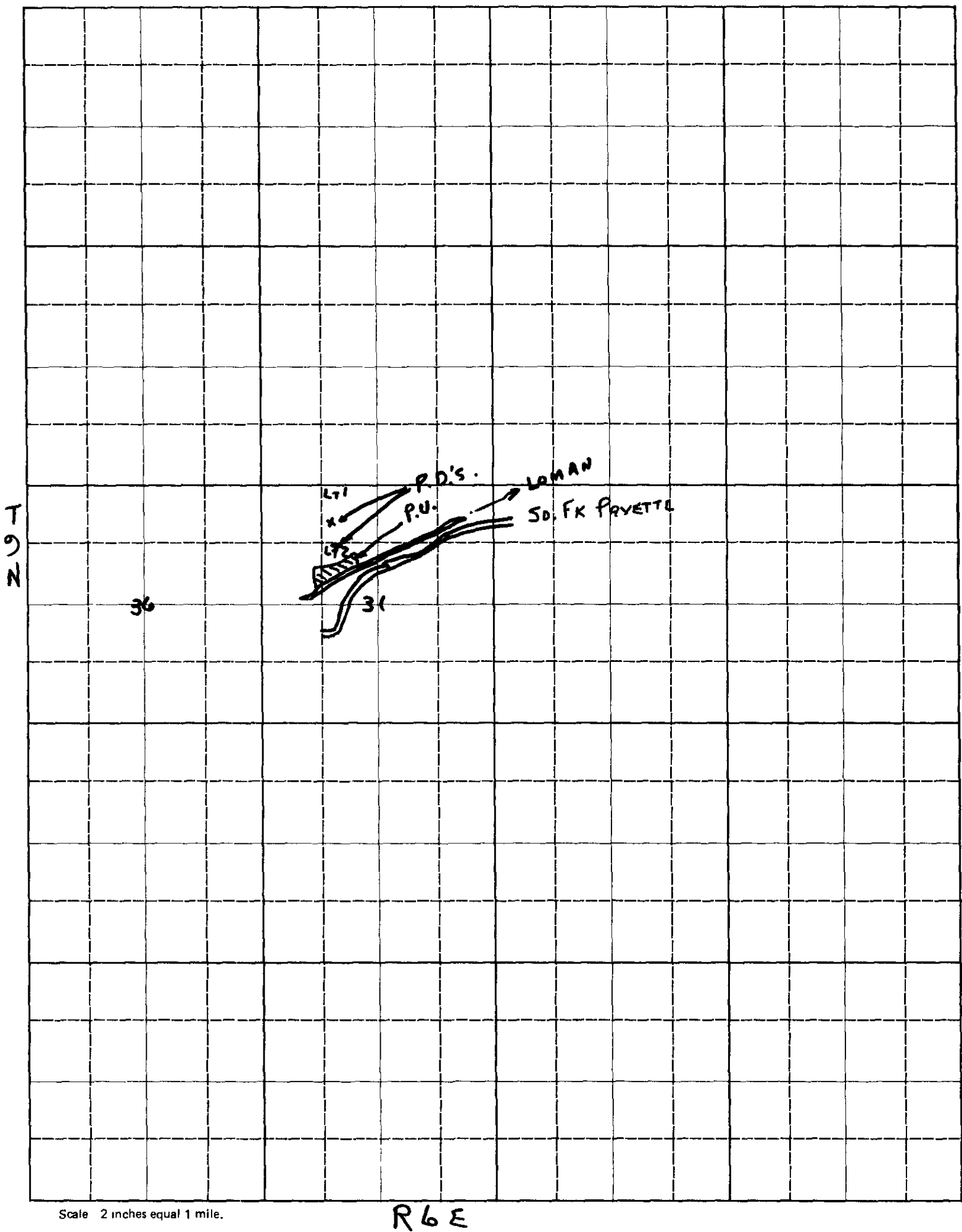
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

9. a. Who owns the property at the point of diversion
U.S. Forest Service

Total number of acres to be irrigated

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

11. 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.

Junda Jenkins
(Applicant)

MICROFILMED

J. Allen Gayton
Chief, Operations Bureau

Witness my hand this 19th day of May, 1981.

The issuance of this permit in no way grants any right-of-way or easement across the land of another.
Use of water under this permit is subject to control by the watermaster of State Water District # 65, Payette River.

d. Other:

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.

fore June 1, 19 82.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

of Idaho No 65-12406, and said application is hereby approved.

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by Jan Date Apr 6, 1981 Time 1:47 P.M.
Preliminary check by Jan Fee \$ 30.00
Received by Jan Date 4/6/81 # 18803
Publication prepared by Jan Date 4/9/81
Published in Idaho Water
Publication dates 4/10 & 4/23/81
Publication approved Jan Date 4/21/81
Protests filed by: Jan
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by DBS

Proposed Priority 4/6/81

NOTICE OF APPLICATION
FOR WATER RIGHT

Notice is hereby given that the following applications have been submitted for permit to appropriate the public waters of the State of Idaho 65-12403

DONLEY, SANDY
GARDEN VALLEY, ID. 83622
Source BLACK BEAR CREEK tributary to
PAYETTE RIVER, SOUTH FORK
Date Filed 04/02/1981
Amount 0.70 CFS
Diversion Point 101 04 LOT 05 Sec 06 T 08N
R 06 E BOISE Co
Use Irrigation (0.09 CFS) from 03/15 to 11/15
FISH PROP (0.70 CFS) from 01/01 to 12/31
POWELL (0.70 CFS) from 01/01 to 12/31
DOMESTIC (0.04 CFS) from 01/01 to 12/31
Place of Use SWSE Sec 36 T 09N R 05E FOR
1 ACRES
Diversion Means HEADGATE, DITCH &
PIPELINE

65-12404

FORD, GLORIA SMITH
GARDEN VALLEY, ID 83622
Source SPRINGS tributary to PAYETTE
RIVER, SOUTH FORK
Date Filed 04/02/1981
Amount 0.14 CFS
Diversion Point NESE SWSE SESE Sec 02
T 08N R 05E NENW Sec 11 T 08N R 05E NWNW
SWNW Sec 11 T 08N R 05E, BOISE Co
Use COMMERCIAL (0.10 CFS) from 01/01 to
12/31
HEATING (0.04 CFS) from 01/01 to 12/31
DOMESTIC (0.04 CFS) from 01/01 to 12/31
Place of Use NWNW Sec 11 T 08N R 05E
Diversion Means SPRING BOXES & PIPELINE

65-12406

JENKINS, RICHARD L &/or LINDA J
P O BOX 65, GARDEN VALLEY, ID 83622
Source SPRINGS tributary to PAYETTE
RIVER, SOUTH FORK
Date Filed 04/06/1981
Amount 0.04 CFS
Diversion Point LOT 01 (NENW) LOT 02
(SENE) Sec 31 T 09N R 06E, BOISE Co
Use DOMESTIC (0.04 CFS) from 04/15 to 10/15
Place of Use LOT 02 (SENE) Sec 31 T 09N R
06E
Diversion Means SPRING BOXES, SAND
TRAPS, PIPELINES & TANKS
If issued, the permit(s) will be subject to all
prior water rights. Protests against the granting
of any permit must be filed with the Director
of the Idaho Department of Water Resources,
92 S. Cole Road, Boise, Idaho 83709 on or before
MAY 4, 1981

A KENNETH DUNN
Director

Published in The Idaho World, Idaho City,
Idaho on April 15 and 22, 1981.

STATE OF IDAHO,
County of Boise

M. J. Harley being
duly sworn, deposes and says,
that he is the manager and prin-
cipal clerk of THE IDAHO
WORLD, a weekly newspaper
published at Idaho City, in the
County of Boise and State of Ida-
ho, that said paper has been and
is in general circulation in the
county aforesaid, and in the vi-
cinity of Idaho City, that the
advertisement, a copy of which is
hereto attached, was published in
said newspaper once a week for

2 consecutive weeks in
the entire and regular issue of
every number of said paper dur-
ing the period and time of publi-
cation and was published in the
newspaper and not a supplement,
that said paper has been estab-
lished and regularly and continu-
ously published for more than
seventy eight weeks past previ-
ous to the first publication of
this notice. Such notice was pub-
lished in the issue beginning with

Apr 15, 1981 and end-

ing with the issue of *Apr 22*

1981

Subscribed and sworn to before

me this day of *Apr* 1981...

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 30, 1983

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

Dear Mr. & Mrs. Jenkins,

A representative of the Department has made an examination of the works covered by your Permit No. 65-12406, and has found the following:

Amount of water that can be recognized as beneficial: 1.2 cfs
Idaho law: Source: Spring 1116 to Payette River, South Fork

The maximum quantity diverted shall not exceed 1.2 acre feet per year.

Point(s) of diversion: Government Lot 2 (SE 1/4) Section 31, Twp 9N, Rge 6E

Domestic use of 1 unit within Government Lot 2 (SE 1/4) Section 31, Twp 9N, Rge 6E

Priority date established: April 6, 1981

Use of water under this license is subject to control by the watermaster of State Water District No. 65, Payette River.

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

MICROFILMED

July 28, 1983

Re: Permit No. 65-12406

Richard or Linda Jenkins
P.O. Box 65
Garden Valley, Id 83622

Dear Mr. & Mrs. Jenkins

Enclosed herewith is a copy of the Water Right License issued on the above
referenced Permit.

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MICROFILMED

John A. Payne
625
Norm

58	08	9
----	----	---

4/15/88

3/25/82

☐ Change P.U. as reflected above

☐ Change P.D. as reflected above

☐ Add P.U. as reflected above

☐ Add P.D. as reflected above

None

Further

Recommended Amendments:

[illegible]

Place(s) of Use

Point(s) of diversion:

(42) SENW 800 31 T9N 86E

104409
104584

(Include distance from pump to measuring device, if applicable.)

SCHEMATIC DIAGRAM OF SYSTEM

MAP (Attach Aerial Photo)

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

45-12406

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 3/24/82 Accompanied by Richard Jenkins Total Q measured .04

If source is surface water, estimate total flow of source

Methods of measurement calc. est. Meets Permit requirements?

Measurement calculations:

1 Domestic = .04 cfs 1.2 A.F.

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS

System Description 3'x2'x1' wooden pump - 20'-1" PVC to 1000 gallon steel tank. Approx. 600'-1" PVC from tank to mobile home. a pulicant use only overflow water from right 45-10383. Gravity flow system from springs to place of use.

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE

Irrigation requirement = AFA/Acre

Q (cfs)

V (afa)

FROM

TO

Domestic

.04 ✓

1.2 ✓

4/15

10/25

Total

.04

1.2

4/15

12/15

Remarks

Place of use is located in H.E.S #407 a applicant is aware that his right is only allowed after right 45-10383 is satisfied. a applicant stated that use permit from the Forest Service is forth coming. Since this date use permit is issued by Forest Service.

MICROFILMED

2 | 2

RG

31

LOT #1

L1

LOT #2

LOT 3

L3

L2

T 9 A

LOT #3

June 27, 1983

To Whom It May Concern:

Some controversy apparently exists over the use of a spring or springs near the South Fork of the Payette River adjacent to the properties of James M. Mills (Richard Knoblock, lessee) and Richard and Linda Jenkins. The purpose of this letter is to provide information about the water rights to the spring(s) and copies of field reports about those water rights.

Mills holds the first right (65-10383) to the springs for .06 cubic feet per second (cfs) or 27 gallons per minute (gpm) during the irrigation season and .04 cfs (18 gpm) at other times. This water right was investigated under the authority of Title 42, Chapter 14, Idaho Code. The other water rights to the springs are held through the authority of Title 42, Chapter 2, Idaho Code. The Jenkins have the second diversion (65-12406) for .04 cfs (18 gpm) as water is available from April 15 to October 15 for domestic use. Mills holds a permit (65-12581) for ~~more~~ water as the third diversion for .08 cfs (36 gpm) throughout the year as water is available. These water rights and permits are detailed on the attached table.

The location of the diversion structures from these springs were investigated on April 26, 1982. A copy of that field report and system sketch is enclosed. One of the diversion structures may have been relocated since that date.

Regards,

Donald V. Shaff
Adjudication Unit Leader

Enclosures

cc: J. Mills
R. Knoblock
R. Jenkins

MICROFILMED

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES
LISTING OF RIGHTS

INDICATES TOTAL

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
SOURCE: SPRINGS TRIBUTARY TO: PAYETTE RIVER, SOUTH FORK								
65-10383	Mills, James M. Bruneau, Idaho 83604	4/01/1910	Irrigation	4/15 10/15	.02 CFS	Lot 2(SENW) Lot 2(SENW)(03) S 31, T 9N S 31, T 9N, R 6E Use R 6E		Beneficial
	Remarks: HES #407.		Domestic	1/01 12/31	1.2 AFA ----- .04 CFS ----- AFA .06 CFS		Same as other use	
65-12406	Jenkins, Richard L. Jenkins, Linda J. P.O. Box 65 Garden Valley, Idaho 83622	4/06/1981	Domestic	4/15 10/15	1.2 AFA .04 CFS	Lot 1(NENW) Lot 2(SENW) Lot 2(SENW) S 31, T 9N, R 6E S 31, T 9N R 6E		Permit
65-12581	Mills, James M. Bruneau, Idaho 83604	12/08/1982	Domestic	1/01 12/31	2.4 AFA .08 CFS	Lot 1(NENW) Lot 2(SENW) Lot 2(SENW) S 31, T 9N, R 6E S 31, T 9N R 6E		Permit
	Remarks: HES #407.							

Note: This listing does not include other water rights of the two parties from sources other than these springs.

RECEIVED

IN THE MATTER OF PROTESTED)
APPLICATION FOR PERMIT NUMBER) AGREEMENT.
65-12581 IN THE NAME OF)
JAMES M. MILLS)

I Richard L. Jenkins agree to withdraw my protest against the above application for permit with the understanding the applicant will not ~~also~~^{DBS} increase the capacity of the pipes to use water from the applicants spring box under this permit.

Signed at Boise, Idaho on April 27, 1983.

Richard L. Jenkins
Richard L. Jenkins.

I James M. Mills agree not to increase the capacity of the pipelines taking water from my spring box and to continue to allow any excess water to overflow my spring box and to not divert any additional water above Mr. Jenkins spring box and below my overflow under this permit.

Signed at Boise, Idaho on April 27, 1983.

James M. Mills
James M. Mills

RECEIVED
APR 28 1983

Narrative of Field Inspection
CONVERSATION-MEMORANDUM

DATE 7/20/82

FILE 65-10382

65-10382

NAME OF PARTY James M. Miller

EMPLOYEE John X. Noyes

RE:

met with 2 in block on the area
irrigated from spring - one sprinkler
head was running at time - $\frac{1}{8}$ " nozzle at
80 PSI $\approx$ 4.05 GPM - 2 hds 8.10 GPM $\approx$.02 cfs for irr.
System layout of spring & etc. can be
noted on field report made 4/26/82 by JCN
Bisco.

attached map of irrigated lands from this
source was arrived at by pacing the
area. Estimate one acre below house -
difficult to obtain area by pacing or
aerial photo. Total area irrigated 3.1 acres
65-10383

Planimeter coverage from PSC aerial
photo 1790 (M 11)

65-10383 $\approx$ 3.1 acres

65-10382 $\approx$ 7.9 acres

POOR QUALITY ORIGINAL

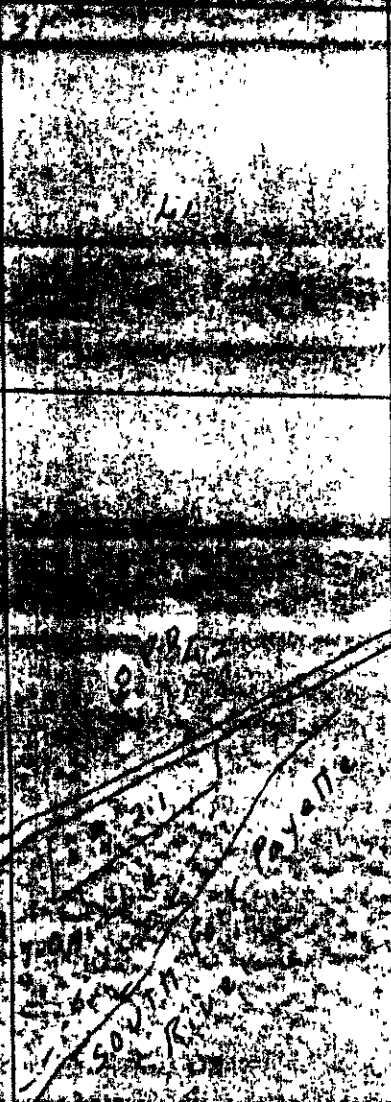
Tomes Mills

Field Examination

RTs 65-10383
65-10382

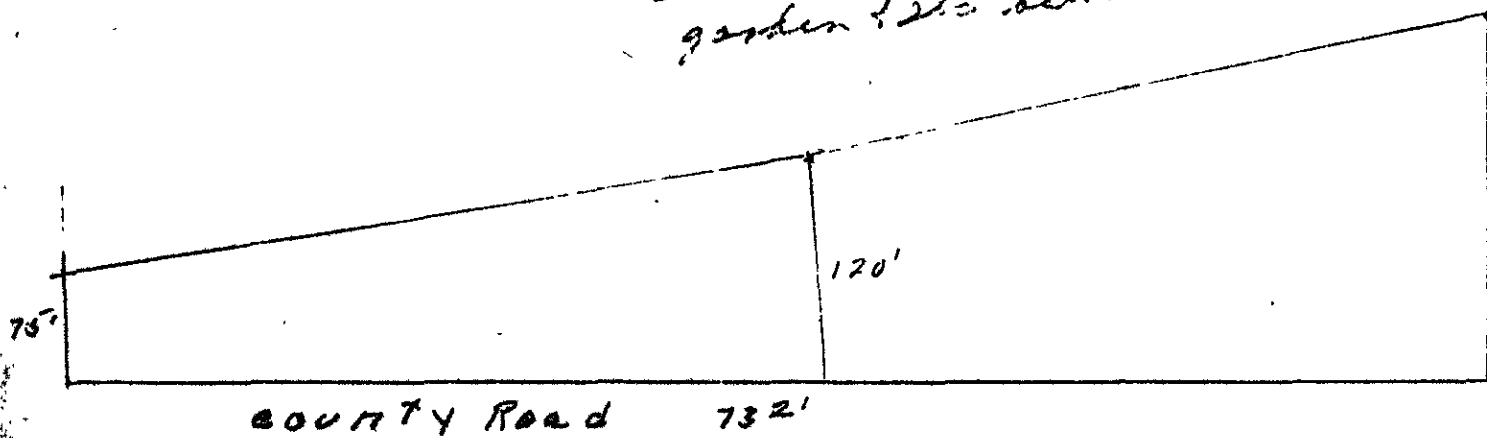
7/26/82

RGE



James M. Mills
 Right 03.10322

Estimated 1 acre of fruit trees
 garden & 27' below house



$$(125 \text{ ft ave}) \times 732 = 91500 \div 43560 = \rightarrow 2.1 \text{ acres}$$

Total acres

3.1

POOR QUALITY ORIGINAL
 JAMES M. MILLS

File No. 65-10383

STATE OF IDAHO
Department of Water Resources

FIELD INSPECTION REPORT

1. Date: 4/26/82 Time: _____ Photos: ☐ Yes ☐ No

2. Inspection involves: ☒ Water Rights ☐ Dam Safety ☐ Well Construction or Driller
☐ Waste Well ☐ Stream Channel Alteration ☐ Water Distribution
☐ Other _____

3. Reason for inspection: 65-10383
Mills - Knablock - Jenkins over spring

4. Stream name: unnamed spring

5. Stream characteristics: steep hillside with gully with spring located in gully

6. Stream width: 2.5 Depth: 1 Gradient: _____ Q: _____ est. 2 inches meas. _____

7. Location: SW 1/4 NW 1/4, Sec. 31, Twp. 20N, Rge. 5E, County Boise
Landmark: _____

8. Person(s) contacted: Knablock - Jenkins and Don Palmer USFS

9. Dam name: _____ Spilling: ☐ No ☐ Yes Q _____

Outlet open: ☐ No ☐ Yes Q _____ Spillway open: ☐ Yes ☐ Fibrd ☐ Gate open

Freeboard: Spillway _____ Crest _____ Res. stage: ☐ Rising ☐ Falling _____ Rate

10. Area characteristics: steep hillside next to SE Payette River

11. Weather conditions: clear

12. Describe activity/conditions inspected: Knablock and Jenkins are fighting over spring and diverting water. Appears to be plenty of water to satisfy both rights but spring bargains to allow together to allow clearing and maintenance work.

13. Are all requirements being met? ☒ Yes
If not, check type violated: _____ Statutory _____ Rules & Regs _____ Permit

14. Describe impact on others: _____

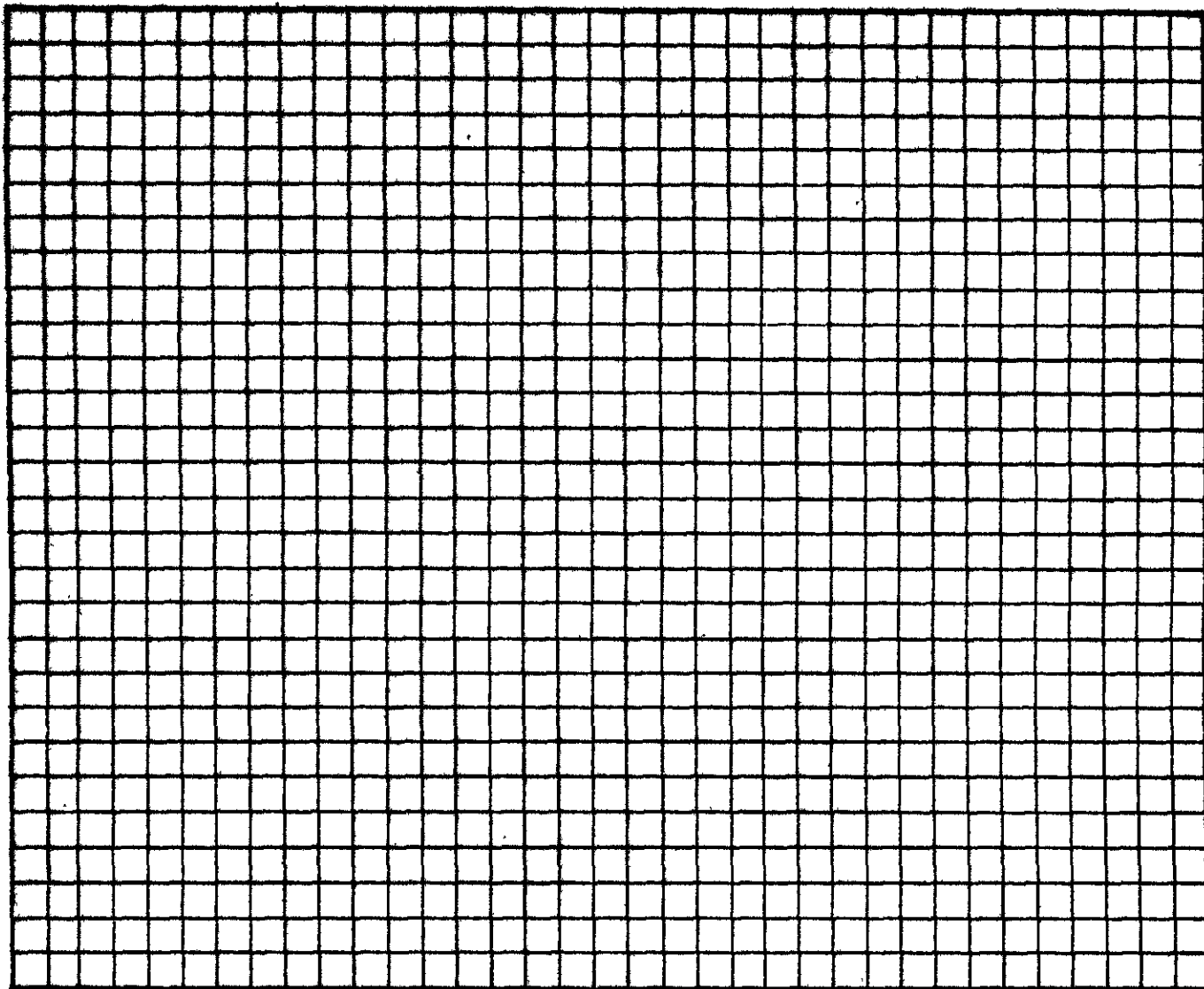
POOR QUALITY ORIGINAL

15. Describe alternatives: Don Palmer suggested with parties to cooperate and to have his diversion water shown to avoid over crowding problem.

16. Remarks Not a water right problem yet.
FS use permits need to be modified to
include distances between diverting works

17. Followup Necessary: Yes ☒ No Describe: _____

18. Sketch: Include direction, important dimensions, photo locations, landmark or reference point



19. Action taken at time of inspection: explained parties water
rights and the Agency's position regarding
the problems they are experiencing.

20. Signed: G. L. Sisco

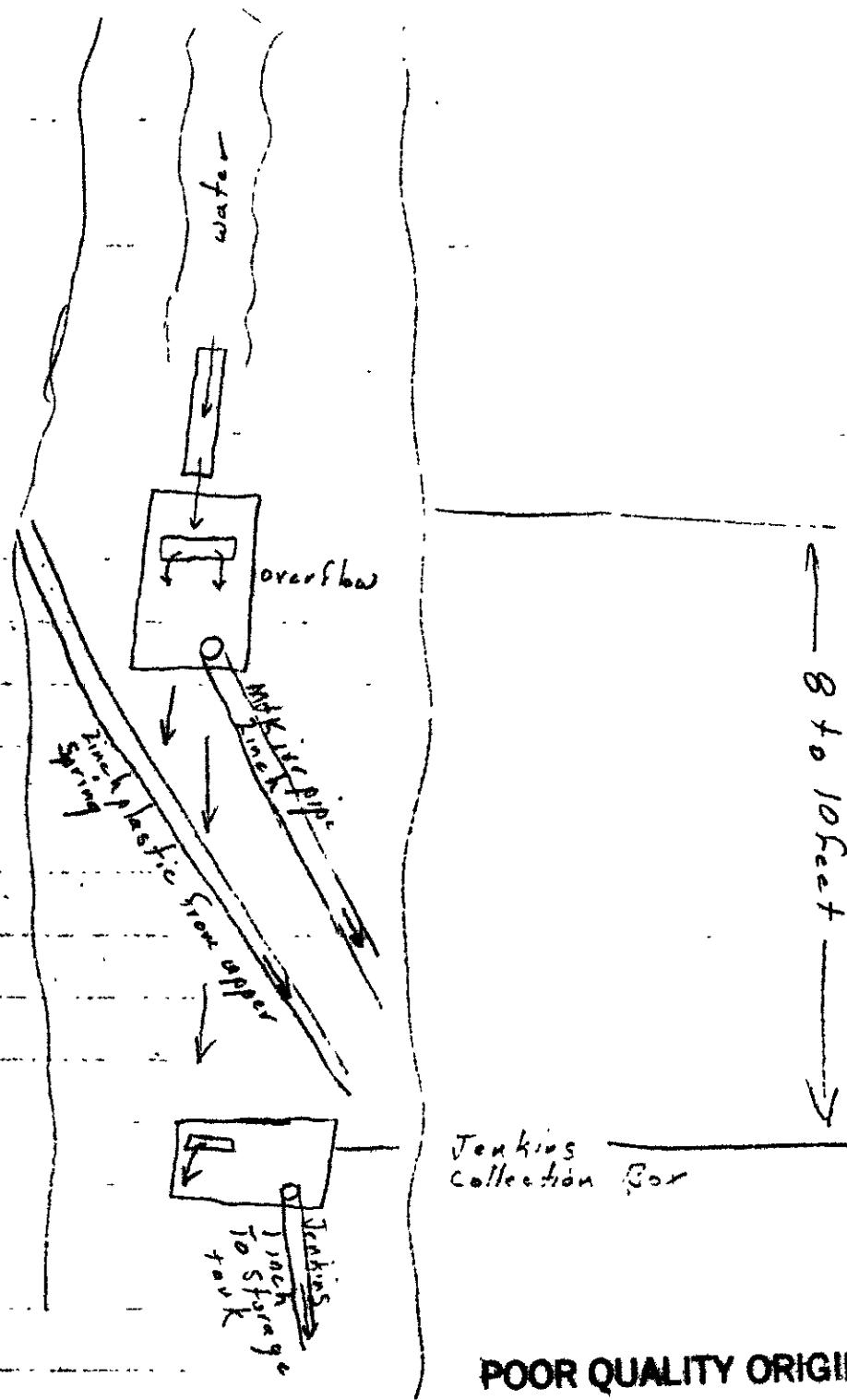
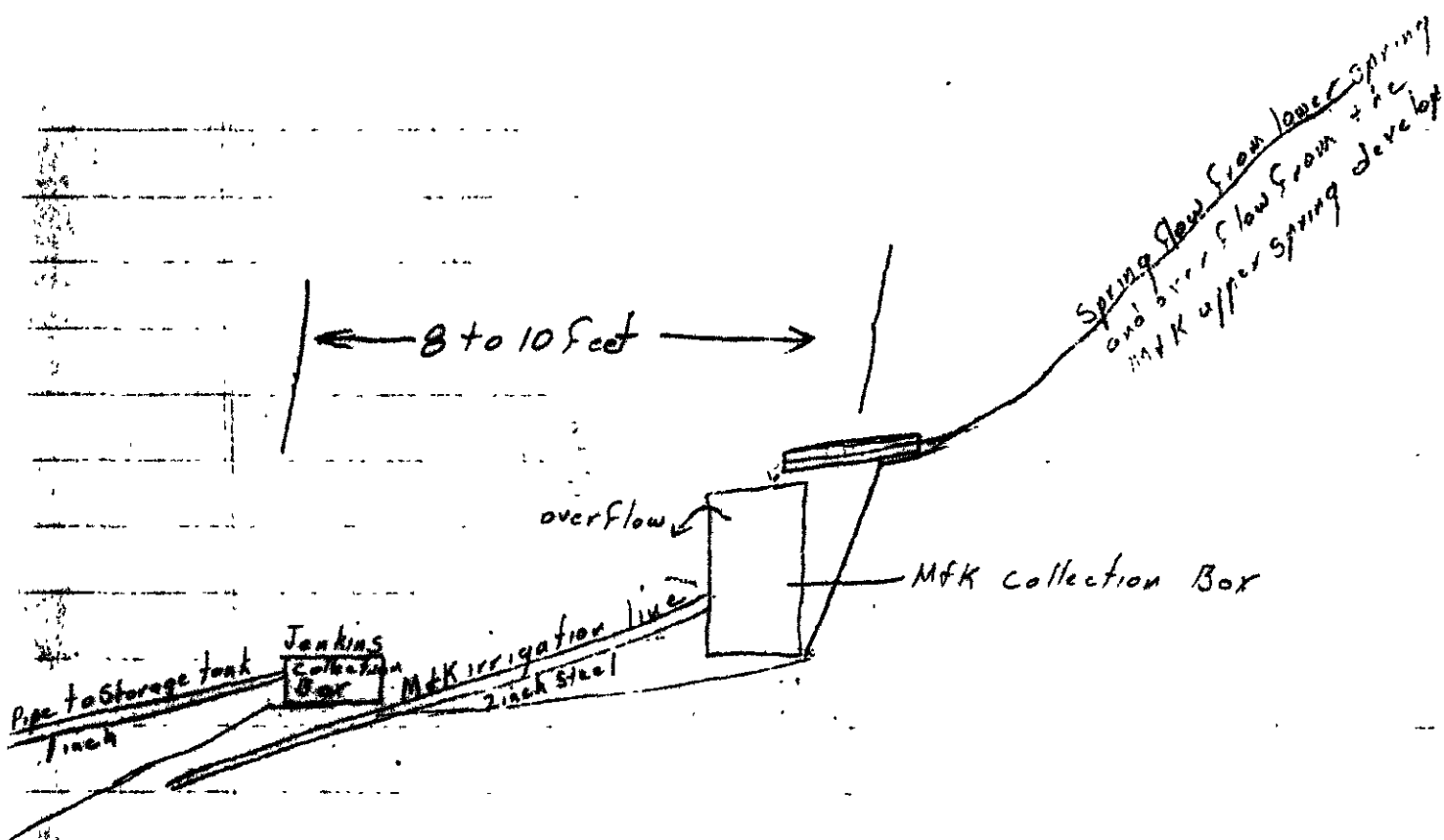
21. Follow up action: Date: _____ Additional Memo Prepared: Yes ☐ No ☐

Describe: _____

22. Signed: _____

POOR QUALITY ORIGINAL

CONFIDENTIAL



POOR QUALITY ORIGINAL



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

December 21, 1982

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

Re: 65-12406

Dear Mr. & Mrs. Jenkins:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

☐ A field examination of your system has been scheduled for
when the weather permits.

If this time and date is not convenient for you, please contact this office as soon as possible.

☒ A field examiner will contact you to arrange to examine your system.

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

Sincerely,

Judy Pense

Judy Pense
Secretary

RECEIVED

August 16, 1982

Marcus Merrick & Montgomery
737 North 7th Street
Boise, ID 83702

ATTN: Myrna South

Re: Permit No. 65-12406 in the name of Richard L. and/or
Linda J. Jenkins

Dear Ms. South:

This office acknowledges receipt of a Protest Against License for the above-referenced permit. I regret to inform you that we cannot accept the protest as valid for two reasons./

First, Section 42-224, Idaho Code, is a remnant of the old system of water rights that was utilized until 1966. In the old system, an application for permit was approved without advertising, and the advertising process was not initiated until proof of completion of works was submitted by the permit holder. Section 42-224 allowed for protests to be submitted against the issuance of a license between the time the permit was approved and the date proof of beneficial use was due. This statute has been left on the books to allow for licensing of permits that existed at the time the statutory water rights procedure was changed in 1967. Permit No. 65-12406 was first received by this Department on April 6, 1981. Protests against the issuance of the permit were allowed from that date until May 2, 1981. No protests to the issuance of the permit were received so the protest period has passed for this water right.

The second reason for not accepting the Protest Against License is that it was received on July 9, 1982. A close reading of Section 42-224 indicates that any objection to the issuance of a license must be received prior to the date that proof of beneficial use is due for the water right. For the above-referenced permit proof was due on June 1, 1982.

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The next step for the Department is to conduct a field examination of the permit to determine the extent to which water has been beneficially used under the permit. The license that will be issued based on this examination will identify a water right that is subject to all prior existing rights. The water delivery problem experienced by James M. Mills and Rich Knoblock should be resolved by proper delivery of the available water supplies from the streams tributary to the South Fork of the Payette River based on existing water rights.

Currently there is no water district in Basin 65 in the vicinity of the south fork of the Payette River. A water district could be formed however, as soon as the Payette River Adjudication is finalized, and a decree is issued by the District Court. A water master appointed to deliver water within the water district would be able to deliver water supplies to your clients and to the Jenkins based on the existing water rights. Until a water master is appointed, however, any water delivery conflicts on the springs in question must be settled via a civil action initiated by the aggrieved parties.

The Department legal staff has reviewed this situation and concurs in this analysis. If you wish to discuss the matter further please feel free to contact this office.

Sincerely,

DAVID R. TUTHILL, JR.
Supervisor, Water Allocation Section

DRT:gm

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JUL 9 1982

Department of Water Resources

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

In re:)
APPLICATION FOR LICENSE ON)
PERMIT NO. 65-12406) PROTEST AGAINST LICENSE
_____)

Protestants James M. Mills and Rich Knoblock come pursuant to Idaho Code 42-224 and protest the issuance of any license based on Application for Permit No. 65-12406.

Said Permit has been approved. Protestants have no way of knowing when applicant will file proof of application to obtain a license and therefore file this protest as a continuing protest.

This protest is made for the reason that the diversion of water made by the applicant is causing substantial damage to the property owned by James Mills and rented by Rich Knoblock and is interfering with the protestants' diversion of water.

In addition, all of the water from the unnamed springs tributary to Payette River South Fork upon which application for permit was made, has been appropriated by protestants. At one period of time when there was an unusually large amount of water Rich Knoblock gave the applicant permission to use the excess water. Under normal water conditions protestants have no water to spare.

MICHAEL J. HARRIS

Protestants request that this protest be maintained in the file and reviewed at the time applicant files evidence of completion and application for a license. Protestants request that they be notified of hearing before issuance of any license based on the above named permit.

Dated this 8th day of July, 1982.

MARCUS, MERRICK & MONTGOMERY

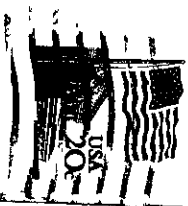
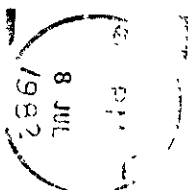
By Myrna South
Myrna South
Counsel for Protestants

737 North 7th Street
Boise, Idaho 83702
Telephone: 342-3563

LAW OFFICES
MARCUS, MERRICK & MONTGOMERY
MARCUS BUILDING
737 NORTH 7TH STREET
BOISE, IDAHO 83702

68 JUL 10 1982

State of Idaho
Department of Water Resources
450 West State Street
Boise, ID 83702



R. L. JUNKWIS

P.O. Box #65

Garden Valley - Idaho
83622

PLACE
TEN CENT
STAMP
HERE



Department of Water Resources
1961

Idaho Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

334-1140

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has commenced development to the extent shown below of Permit No. 65-12406

Name(s) of Permit Holder Richard L Corbina Jenkins

Post Office Address: Box 65 Garden Valley 83622

Tel. No. 462-3843

Source of Water

Springs

Extent of Use

☒ Domestic

(number of households)

☐ Stockwater

(number and type of stock)

☐ Irrigation

(acres)

☐ Other

Measuring Device:

Required?

☐ Yes

☒ No

Installed?

☐ Yes

☐ No

Access Port

Required?

☐ Yes

☒ No

Installed?

☐ Yes

☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed

3/24/82

Date

Richard L Jenkins
Signature of Permit Holder


$$-x \sqrt{p^2 - 1}$$

A KENNETH DUNN
C STEPHEN ALDER
XXXXXXXXXXXX

May 23, 1981

Richard & Linda Jenkins
P.O. Box 65
Garden Valley, Idaho 83622

Dear Mr. & Mrs. Jenkins,

RE: Permit No. 65-12406

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval as listed on the fourth page.

Please be advised that there is insufficient natural flow available in the Payette River and tributaries to provide water for a new appropriation throughout the entire season of use.

During the spring run-off each year, there may be a period of time in which the prior rights to the use of the natural flow and storage are filled leaving water available for your later-in-time permit. As the natural flow diminishes, however, there would be no water available for your right unless you had arranged for an additional source of water as a supplemental supply.

This information is provided so that you will not be mislead into thinking that this permit will provide sufficient water through the entire season of use. If you have any questions regarding this matter, please feel free to contact this office.

Sincerely,

David R. Tutthill Jr.

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:1r

Enclosure

SECRET

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Cem

APPLICATION NUMBER. 65-12406
JERKINS

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☒ No* In form to receipt.

Field check by: _____
Date: _____
Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service _____
☐ Other _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. none for same use
☒ Yes ☐ No* In form for advertising. _____
Final date for protests: 5/4/81
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW

- ☒ Affidavit of publication received. Date: 4/29/81
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 65
4/6/81 Date of priority recommended.
Special conditions of approval or cover letter. I.P. letter.
Basin 65 W.M. condition
Payette River letter
Right-of-way clause

By: PBS Date: 5/4/81

STATE OFFICE REVIEW:

SLW/104(Payette R.) 05(65 Payette R.) ol

☐ See attached sheet for more information.
By: [Signature] Date: 5/18/81

Microfilm

65-12406

JENKINS, RICHARD L. &/or LINDA J.

P.O. BOX 65, GARDEN VALLEY, ID 83622

Source SPRINGS tributary to PAYETTE RIVER, SOUTH FORK

Date Filed: 04/06/1981

Amount 0.04 CFS

Diversion Point: LOT 01 (NENW) LOT 02 (SEnw) Sec 31 T 09N R 06E, BOISE Co.

Use: DOMESTIC (0.04 CFS) from 04/15 to 10/15

Place of Use LOT 02 (SEnw) Sec 31 T 09N R 06E

Diversion Means: SPRING BOXES, SAND TRAPS, PIPELINES & TANKS.

RECEIVED
APR 10 1981
WATER DIVISION