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JAN 29 2003

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

SUBCASE NO.: 67-11045

STANDARD FORM 5
AMENDED CLAIM

For Domestic and Stockwater Rights

This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

Pursuant the terms of the *Stipulation and Joint Motion for Order Approving Stipulation* filed on August 29, 2002, such stipulation being incorporated into this *Standard Form 5*, the parties and IDWR agree and stipulate that the elements of the resulting water right should be described per the attached. The parties and IDWR have indicated their concurrence by initialing each of the attached pages

OBJECTOR:

United States on behalf of the
Bureau of Land Management

David Negri 1/27/03
David L. Negri date
Attorney, U.S. Dept. of Justice
Environment & Natural Resources Div.

IDWR CONCURRENCE:

Roxanne Brown 1/23/03
Roxanne Brown date
Sr. Water Resource Agent, IDWR

CLAIMANT:

James L. Eckhardt
Nellie Eckhardt

RESPONDENTS:

Bedke, Scott
Bedke, Karl (Bud)
Bedke, Bruce
Tugaw, Joe
Bedke, Jared
Poulton, Gary
Flying Triangle, Inc
Deveny, Willis D& B
Gardner, Luther
Poulton, Micheal
Pickett Ranch & Sheep Co.
Hoagland, Jerry
Joyce Livestock
Western Stock Growers Association
Mathews, Eugene
Shoulders 3 Ranches
A L Cattle Inc.

 1/22/03
Travis L. Thompson date
Of Attorneys for Claimant & Respondents

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHTS FROM: SOURCE: JENKINS CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 67-11045

NAME & ADDRESS: ~~ECKHARDT FAMILY LIMITED PARTNERSHIP~~
~~247 THORNWOOD~~
~~MERIDIAN ID 83642~~

NELLIE ECKHARDT
JAMES L ECKHARDT
1275 JENKINS CREEK RD
WEISER ID 83672-5158

SOURCE: JENKINS CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

~~THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED~~
~~13,000 GALLONS PER DAY.~~

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH RIGHT NO. 67-
12576 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.02
CFS AND A TOTAL QUANTITY OF 13,000 GALLONS PER DAY.

PRIORITY DATE: ~~12/31/1908~~ 06/27/1934

POINT OF
DIVERSION: T12N R05W S30

Within WASHINGTON County

~~NWSWSE (INSTREAM BEGINNING POINT)~~

~~SESWSSE (INSTREAM ENDING POINT)~~

LOT 1 (NENWNW) (INSTREAM BEGINNING POINT)

LOT 1 (SENWNW) (INSTREAM ENDING POINT)

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE
STOCKWATER

PERIOD OF USE

~~04-15~~ ~~11-15~~

01-01 12-31

QUANTITY

0.02 CFS

PLACE OF USE: STOCKWATER
T12N R05W S30

Within WASHINGTON County

SWSE

LOT 1 (NWNW)

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT
IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND
JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON
AUGUST 29, 2002 BETWEEN THE UNITED STATES OF AMERICA AND JAMES L
AND NELLIE ECKHARDT, FILED IN THE OFFICE OF THE WASHINGTON COUNTY
RECORDER AND RECORDED ON NOVEMBER 13, 2002 AS INSTRUMENT NO.
187717; THE PROVISIONS OF SUCH STIPULATION TO APPLY FULLY TO THIS
WATER RIGHT.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
STOCKWATER, 200 RANGE CATTLE

RB

mm

DN

MM

CERTIFICATE OF MAILING

I certify that on Jan 27th, 2003, I delivered the original and copies of this form to the following persons, postage prepaid if required, and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☒ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

U.S. Dept. of Justice
Environment & Natural Resource Div.
General Litigation Section
550 W. Fort St., MSC 033
Boise, ID 83724

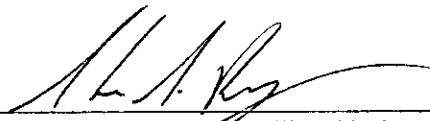
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

James and Nellie Eckhardt
1275 Jenkins Creek Rd.
Weiser, ID 83672-5158

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Travis L. Thompson
Barker Rosholt & Simpson
P.O. Box 2139
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☒ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document