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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.: 67-11043

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 water rights 67-14385 and 67-14386 should be described per the attached. Water right 67-11043 has been split into two water rights and renumbered as 67-14385 and 67-14386. The parties and IDWR have indicated their concurrence by initialing each of the attached pages. The parties and IDWR further agree and stipulate that water right 67-11043 should be disallowed.

**OBJECTOR:**

United States on behalf of the  
Bureau of Land Management

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

**IDWR CONCURRENCE:**

Roxanne Brown  
Roxanne Brown date  
Sr. Water Resource Agent, IDWR

James L. Eckhardt  
Nellie Eckhardt

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.

~~Travis L. Thompson~~

date

Of Attorneys for Claimant & Respondents

11/18/2002

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

RIGHT NUMBER: 67-14385  
NAME AND ADDRESS: JAMES L ECKHARDT  
NELLIE ECKHARDT  
1275 JENKINS CREEK RD 247 THORNWOOD  
WEISER ID 83672-5158 MERIDIAN ID 83642  
SOURCE: POND TRIBUTARY: JENKINS CREEK  
SPRING TRIBUTARY: SCOTT CREEK  
SPRING TRIBUTARY: ~~SINKS JENKINS CREEK~~

QUANTITY: 0.02 CFS ~~0.05 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.S 67-14386 AND 67-13079 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 S6 NWSNW Within WASHINGTON County  
~~S7 NESWSE Within WASHINGTON County~~  
~~S17 NENWNW Within WASHINGTON County~~  
T12N R06W S25 SWSWSW Within WASHINGTON County  
~~S11 NWNWSE Within WASHINGTON County~~  
~~S12 NESWNW Within WASHINGTON County~~  
~~T13N R05W S31 SWSSENW Within WASHINGTON County~~  
T13N R06W S26 SENWSE Within WASHINGTON County  
~~S36 SESENE Within WASHINGTON County~~  
~~NENESW Within WASHINGTON County~~

227  
DN  
KPB

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE           | QUANTITY          |
|----------------|-------------------------|-------------------|
| STOCKWATER     | 04/15 11/15 01/01 12/31 | 0.05 CFS 0.02 CFS |

PLACE OF USE: STOCKWATER Within WASHINGTON County

|               |      |               |      |
|---------------|------|---------------|------|
| T12N R05W S06 | SENW | T12N R05W S07 | SWSE |
| T12N R05W S17 | NWNW | T12N R06W S11 | NWSE |
| T12N R06W S12 | SNNW | T12N R06W S25 | SWSW |
| T13N R05W S31 | SENW | T13N R06W S26 | NWSE |
| T13N R06W S36 | SENE | T13N R06W S36 | NESW |

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

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 DECREE. SECTION 42-

1412(6), IDAHO CODE.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RB  
727  
PN

AB

11/18/2002

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

RIGHT NUMBER: 67-14386  
NAME AND ADDRESS: JAMES L ECKHARDT  
NELLIE ECKHARDT  
1275 JENKINS CREEK RD 247 THORNWOOD  
WEISER ID 83672-5158 MERIDIAN ID-83642

SOURCE: PONDS TRIBUTARY: JENKINS CREEK  
SPRINGS TRIBUTARY: JENKINS CREEK  
SPRING TRIBUTARY: MONROE CREEK  
SPRING TRIBUTARY: SCOTT CREEK  
SPRINGS TRIBUTARY: SHEEP CREEK

QUANTITY: ~~0.05 CFS~~ 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 67-14385 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.02 CFS AND A TOTAL QUANTITY OF 13,000 GALLONS PER DAY. *RB*

PRIORITY DATE: 12/31/1908

POINT OF DIVERSION:

T12N R05W S7 NESWSE Within WASHINGTON County  
T12N R05W S17 NENWNW Within WASHINGTON County  
T12N R06W S11 NWNWSE Within WASHINGTON County  
T12N R06W S12 NESWNW Within WASHINGTON County  
T13N R05W S31 SWSSENW Within WASHINGTON County  
T13N R06W S36 SESENE Within WASHINGTON County  
T13N R06W S36 NENESW Within WASHINGTON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u>                                        | <u>QUANTITY</u>                     |
|-----------------------|-------------------------------------------------------------|-------------------------------------|
| STOCKWATER            | <del>04/15</del> <del>11/15</del> <u>01/01</u> <u>12/31</u> | <del>0.05 CFS</del> <u>0.02 CFS</u> |

PLACE OF USE: STOCKWATER Within WASHINGTON County

|                          |                 |                          |                 |
|--------------------------|-----------------|--------------------------|-----------------|
| <del>T12N R05W S06</del> | <del>SENW</del> | T12N R05W S07            | SWSE            |
| T12N R05W S17            | NWNW            | T12N R06W S11            | NWSE            |
| T12N R06W S12            | SWNW            | <del>T12N R06W S25</del> | <del>SWSW</del> |
| T13N R05W S31            | SENW            | <del>T13N R06W S26</del> | <del>NWSE</del> |
| T13N R06W S36            | SENE            | T13N R06W S36            | NESW            |

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.  
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

## CERTIFICATE OF MAILING

I certify that on Jan 27<sup>th</sup>, 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

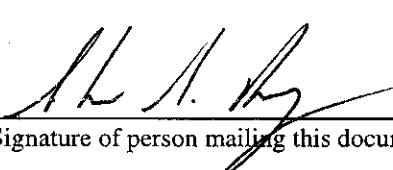
☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

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  
Boise, ID 83701-2139

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

  
\_\_\_\_\_  
Signature of person mailing this document