

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)

A.

Subcase

67 15308
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Double C+J Land Co. Inc

Address:

990 Jenkins Creek Rd

Weiser Idaho 83672

Daytime Phone: _____

Name & Address of Attorney, if any:

Chris Bromley

380 S 4th St STE 103

Boise Idaho 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

Eckhardt Family LLP

Address:

1275 Jenkins Creek Rd.

Weiser Idaho 83672

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☒ **Priority Date**
Should be: not correct
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☒ **I objection because**
☒ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): These claims are all in natural water courses that have been illegally diverted by Eckhardt and N.R.C.S. engineers resulting in injury to our 1881 water rights. See attachment

Basin 67
Tributaries to Jenkins Creek

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~~Wakagawa, Chisato; Wakagawa, Shozo~~

67	12578		Water Right	JENKINS CREEK <i>Stolen</i>	SNAKE RIVER	6/28/1934	12N	05W	6	NWSESW	0.02	#39 ↑	STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH <i>BLM</i>
67	12578	<i>NA</i>	Water Right	JENKINS CREEK <i>Stolen</i>	SNAKE RIVER	6/28/1934	12N	05W	6	SWSESW	0.02	#40 ↓	STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH <i>BLM</i>
67	14251		Water Right	JENKINS CREEK	SNAKE RIVER	4/12/1881	12N	06W	24	NENE	23.38	453	DIVERSION TO STORAGE, IRRIGATION FROM STORAGE, IRRIGATION STORAGE, IRRIGATION, STOCKWATER FROM STORAGE, STOCKWATER STORAGE, STOCKWATER	DOUBLE C & J LAND CO INC
67	14251		Water Right	JENKINS CREEK	SNAKE RIVER	4/12/1881	11N	05W	6	SENW	23.38	453	DIVERSION TO STORAGE, IRRIGATION FROM STORAGE, IRRIGATION STORAGE, IRRIGATION, STOCKWATER FROM STORAGE, STOCKWATER STORAGE, STOCKWATER	DOUBLE C & J LAND CO INC
67	14251		Water Right	JENKINS CREEK	SNAKE RIVER	4/12/1881	11N	05W	18	NWNW	23.38	453	DIVERSION TO STORAGE, IRRIGATION FROM STORAGE, IRRIGATION STORAGE, IRRIGATION, STOCKWATER FROM STORAGE, STOCKWATER STORAGE, STOCKWATER	DOUBLE C & J LAND CO INC
67	14251		Water Right	JENKINS CREEK	SNAKE RIVER	4/12/1881	11N	05W	7	SENW	23.38	453	DIVERSION TO STORAGE, IRRIGATION FROM STORAGE, IRRIGATION STORAGE, IRRIGATION, STOCKWATER FROM STORAGE, STOCKWATER STORAGE, STOCKWATER	DOUBLE C & J LAND CO INC
67	4589		Water Right	JENKINS CREEK	SNAKE RIVER	6/18/1898	11N	06W	25	SWSW	1.28	64	IRRIGATION	WAKAGAWA, CHISATO; WAKAGAWA, SHOZO

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Time Line

Date	Events
1/8/1992	Claim 67-7886 Eckhardts claim for water in Tar Gulch was dropped after letter was provided from the Mainvilles - the previous owners of Jenkins Creek Ranch
6/14/2000	Claim 67-08051 by Eckhardts for Tar Gulch "I will fight you" said Jim Eckhardt
1/2001	Idaho Department of Water Resources hearing denied the claim
2007	Warm Spring fire. We discovered ponds by flying over Eckhardts property. Asked IDWR to investigate. Investigation delayed for months.
2013	Rick Collingwood investigation with Eckhardt not complete. No action taken. New staff at IDWR cause delays while restarting.
10/22/2014	Needed to rent a truck to haul water to our cattle. Shereen from Washington County helped us make picture of the ponds. Mike Litcke from Idaho Power helped measure water use. We discovered that the ponds evaporate at 1/3" per day plus seepage. "There are no dams in Jenkins Creek" said James Eckhardt.
6/5/2015	Eckhardts applied for permits with the ~~claims~~ claims: 67-15131, 67-15130, 67-15129, 67-15128, 67-15127
4/29/2015	Claims were dropped
2015	Mapped Eckhardt's diversions with sheriff's standy
8/29/2015	"You will hear from counsel" said Jim Eckhardt. I tried to talk to him about water.
2015	John Westra, of IDWR retires and discouraged me saying the dams wouldn't make any difference
2016	IDWR in in transition to new staff causing more delays, Nick Miller
8/25/2017	Permit 67-15170 Jenkins Creek Ranch Dam 300AF - protests from Eckhardt were dropped
Fall 2018	Conference call with IDWR. They refused to inspect Tar Gulch
12/12/2018	Turned cattle out on the county road because they could reach no water in the west pasture. Eckhardt's claims 67-15292, 67-15293, 67-15294, 67-15296, 67-15298, 67-15222
2/6/2019	Eckhardts claims SRBA court 67-304, 67-305, 67-306, 67-307, 67-308, 67-309, 67-310, 67-311, 67-312, 67-313, 67-314

Less than 1 AF.

Basin 67
Tributaries to Jenkins Creek

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~~Wakagawa, Chisato; Wakagawa, Shozo~~

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F.

VERIFICATION (must be completed)

State of Idaho

)ss.

County of Washington

John Hoff

(Name of Person filing objection)

, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

John Hoff

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

02-20-19



Kellie Reel

Notary Public for Weiser, Washington Co.

Residing at: Weiser, Idaho

My Commission Expires: 04-03-21

INSTRUCTIONS FOR MAILING

You must mail the Objection to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Feb 20, 2019, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Eckhardt Family LLLP
Address: 1275 Jenkins Creek Rd
Weiser Idaho 83622

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0010

John D. Hoff
Signature of Objector or attorney
mailing on Objector's behalf

RECEIVED
FEB 21 2019
DEPARTMENT OF
WATER RESOURCES

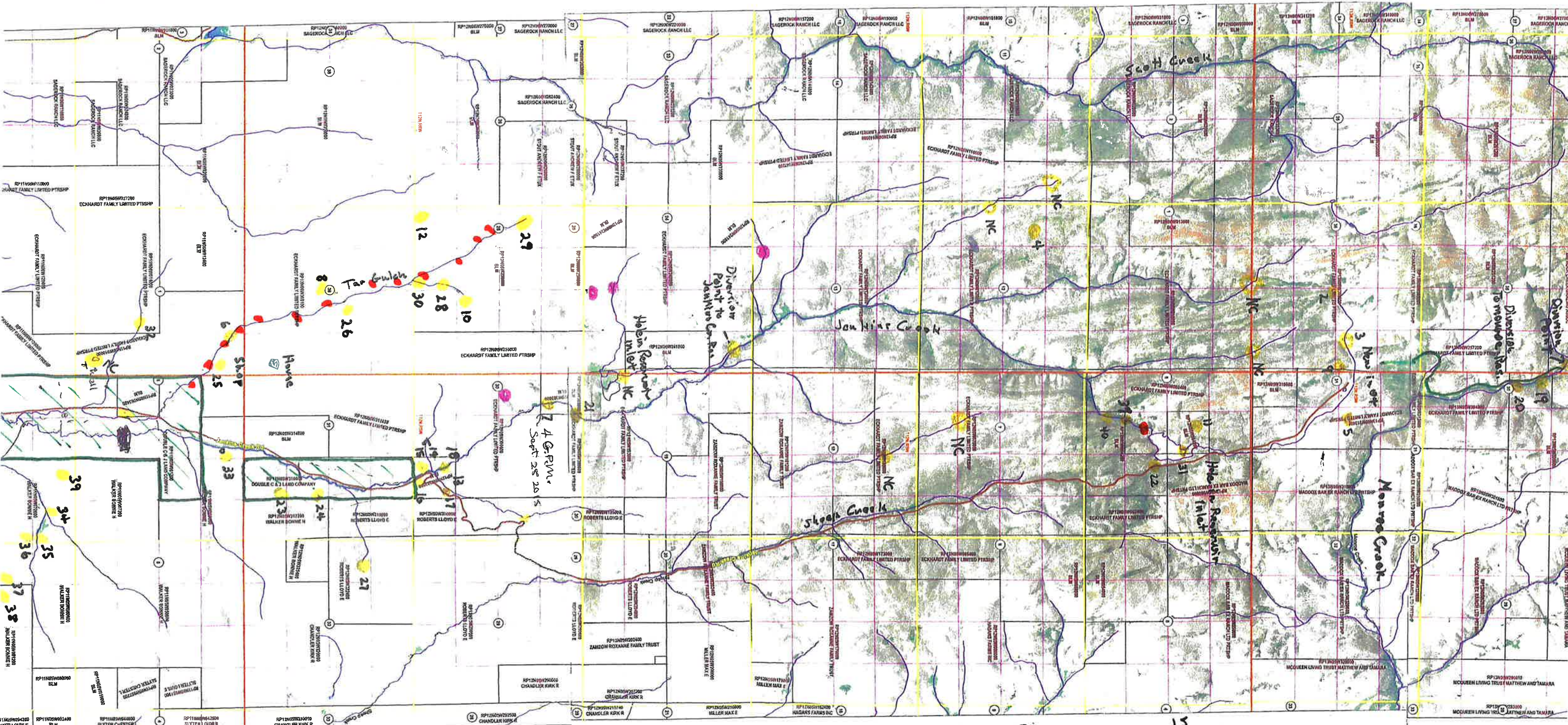


1 of 8 dams over springs blocking Jenkins Creek



Growth on Back Hoe ponds block water below Monroe Dam

Attachment for 6715304 6715305 6715307 6715308
6715309 6715310



Almost all tributary to Jenkins Creek
have been dammed off NC are Ponds
almost 200ft dams illegally built with NRCs

Attachment for Protest
Red dots are small
Ponds that stop water

67304
67305
67307
67308
67309
67310

RECEIVED
FEB 21 2019
DEPARTMENT OF
WATER RESOURCES