

RECEIVED

OCT 15 2018

WATER RESOURCES
WESTERN REGION

WITHDRAWN

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 82818**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) James L. and Nellie Eckhardt**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.****Yes N/A** * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☐ #10 Other. Please describe: _____

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WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) James L. and Nellie Eckhardt Phone 208-549-1754
 Mailing address 1275 Jenkins Creek Road, Weiser, ID 83672-5158 Email ncherry@fmtcblue.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Norman M Semanko Phone 208-562-4900
 Mailing address 800 W Main St, Ste 1300, Boise, ID 83702 Email NSemanko@parsonsbehle.co

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

James L. Eckhardt
 Signature of Applicant or Authorized Representative

James L. Eckhardt

Print Name and Title if applicable

10-11-18
 Date

Nellie Eckhardt
 Signature of Applicant or Authorized Representative

Nellie Eckhardt

Print Name and Title if applicable

10-11-18
 Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
 If yes, ☒ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
To correct the legal description of a decreed spring location. Spring was originally claimed to be in the SWSW Section 25 but is actually located about 150 feet into the SESW Section 25. IDWR changed the location of the spring to the SWSWSW Section 25, apparently based on the map filed with the claim, copy attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	67-14385	0.02 cfs	Stock Water	1/1 to 12/31	Spring/Sinks
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.02 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed _____ cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		NW	SE	SW	25	12N	6W	Washington	Spring	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	6W	25												S					
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
Spring box made from HDPE pipe with cover and buried pipeline to trough made from a large tire, see attached photos.
- b. Who owns the property at the point(s) of diversion? BLM
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Grazing lease # 1101222
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____
It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
None
- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
Yes No
☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?
If yes, describe:

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/23/2018

WATER RIGHT NO. 67-14385

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES L ECKHARDT
Current Owner	NELLIE ECKHARDT 1275 JENKINS CREEK RD WEISER, ID 83672-5158 2085491754
Original Owner	BLUEFIELDS SA 43 5TH AVE NEW YORK, NY 10003 2122434968

Priority Date: 06/27/1934
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SCOTT CREEK
SPRING	SINKS
POND	JENKINS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	12/31	0.02 CFS	
Total Diversion			0.02 CFS	

Location of Point(s) of Diversion:

POND	NWSENW	Sec. 06	Township 12N	Range 05W	WASHINGTON County
SPRING	SWSWSW	Sec. 25	Township 12N	Range 06W	WASHINGTON County
SPRING	SENWSE	Sec. 26	Township 13N	Range 06W	WASHINGTON County

Place(s) of use:

Place of Use Legal Description: STOCKWATER WASHINGTON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
12N	05W	6		SEnw										
	06W	25		SWSW										
13N		26		NWSE										

Conditions of Approval:

1. C24 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.
2. C18 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.
3. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
4. C33 This right shall be used in conjunction with Right Nos. 67-14386 and 67-13079 and is limited to a total combined diversion rate of 0.02 cfs and a total combined quantity of 13,000 gallons per day.

Dates:

Licensed Date:

Decreed Date: 07/07/2003

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 0.02

Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False
Close

82818

67-14385 Application for Transfer



Based on 2017 NAIP Photography

Prepared for Eckhardt by ERO 10-2018

Attachment #7a.

Field Investigation – PHOTO REPORT

Investigator: Erik Boe

Enforcement Case No: E2017-1235

Notes/Comments: Clear skies, mild temperature, ground was dry.



Picture 1

Site Identification/Details:
Stockwater Tank 1 (Tar Gulch Development)

Date Taken: 9/26/2017

GPS Location or other Location Information:
44.343008, -117.008014

Comments:
Stockwater tank constructed from tractor tire.
Tank diameter is 6.0 feet, depth is 2.0 feet. Tank
water supplied by spring box located
approximately 60 feet up-gradient; full at time of
inspection.
Tank may be associated with WR 67-14385.



Picture 2

Site Identification/Details:
Spring Box 1 (Tar Gulch Development)

Date Taken: 9/26/2017

GPS Location or other Location Information:
44.343007, -117.008282

Comments:
Spring box that appears to supply water to Stock
Tank 1. Located approximately 60 feet up-
gradient from Stock Tank 1.

ATTACHMENT 4A

R 6W

R 5W

TWN/3N

TWN/2N

Kelly Mountain

Hawstack

Jenkins Cr

Creek

Creek

X = DEVELOPED SPRINGS

● = PONDS (DAMS)

MICROFILMED

OCT 05 1992

82818

REPRODUCED COPY

AUTH NUMBER 1101222
DATE PRINTED 07 16 2016

Form 4130-2a

(February 1999)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

GRAZING PERMIT

STATE ID
OFFICE L11DB01000
AUTH NUMBER 1101222
PREFERENCE CODE 03
DATE PRINTED 07 16 2016
TERM 03-01-2012 TO 02-28-2022

JAMES L & NEIL L ECKHARDT
1275 JENKINS CREEK ROAD
WEISER ID 83672-5158

BUREAU OF LAND MANAGEMENT
FOUR RIVERS FIELD OFFICE
3948 DEVELOPMENT AVE
BOISE ID 83705-5339

THIS GRAZING PERMIT IS OFFERED TO YOU UNDER 43 CFR PART 4100 BASED ON YOUR RECOGNIZED QUALIFICATIONS. YOU ARE AUTHORIZED TO MAKE GRAZING USE OF LANDS UNDER THE JURISDICTION OF THE BUREAU OF LAND MANAGEMENT AND COVERED BY THIS GRAZING PERMIT. UPON YOUR ACCEPTANCE OF THE TERMS AND CONDITIONS OF THIS GRAZING PERMIT AND PAYMENT OF GRAZING FEES WHEN DUE, CONTACT YOUR LOCAL BLM OFFICE AT 208-384-3300 IF YOU HAVE QUESTIONS.

MANDATORY TERMS AND CONDITIONS

ALLOTMENT		PASTURE		LIVESTOCK NUMBER KIND		GRAZING PERIOD BEGIN END		% PL. TYPE USE	ACRES
00344 JENKINS CREEK				228 CATTLE		04-05 10-30		24 ACTIVE	376

OTHER TERMS AND CONDITIONS

IN ACCORDANCE WITH SECTION 415, H.R. 2055 (CONSOLIDATED APPROPRIATION ACT, 2012), THIS PERMIT OR LEASE IS ISSUED WITH THE SAME TERMS AND CONDITIONS AS THE EXPIRED OR TRANSFERRED PERMIT OR LEASE. THIS PERMIT OR LEASE MAY BE CANCELED, SUSPENDED, OR MODIFIED IN WHOLE OR IN PART TO MEET THE REQUIREMENTS OF APPLICABLE LAWS AND REGULATIONS.

LIVESTOCK TURN-OUT DATES ARE SUBJECT TO LOWER SNAKE RIVER DISTRICT RANGE READINESS CRITERIA.

YOU ARE REQUIRED TO PROPERLY COMPLETE, SIGN AND DATE AN ACTUAL USE REPORT FORM 4130-5 FOR EACH ALLOTMENT. THE COMPLETED FORM(S) MUST BE SUBMITTED TO THIS OFFICE WITHIN 15 DAYS FROM THE LAST DAY OF YOUR AUTHORIZED ANNUAL GRAZING USE.

SUPPLEMENTAL FEEDING IS LIMITED TO SALT, MINERAL AND/OR PROTEIN IN BLOCK, GRANULAR, OR LIQUID FORM. IF USED, THESE SUPPLEMENTS MUST BE AT LEAST ONE-QUARTER (1/4) MILE AWAY FROM ANY RIPARIAN AREA, SPRING, STREAM, MEADOW, ASPEN STAND, PLAYA, WATER DEVELOPMENT, OR SPECIAL STATUS PLANT LOCATION.

YOU ARE PROHIBITED FROM DISTURBING ITEMS OF CULTURAL, ARCHEOLOGICAL, AND HISTORICAL VALUE ON FEDERAL LAND INCLUDING BUT NOT LIMITED TO PETROGLYPHS, RUINS, HISTORIC BUILDINGS, ARTIFACTS, HUMAN REMAINS, ITEMS PLACED INTENTIONALLY WITH OR NEAR HUMAN REMAINS, ITEMS DEVOTED TO TRADITIONAL NATIVE AMERICAN RELIGIOUS CEREMONIES, OR ITEMS HAVING ONGOING HISTORICAL, TRADITIONAL, OR CULTURAL IMPORTANCE TO INDIAN TRIBES. IF YOU DISCOVER ANY OF THESE ITEMS ON FEDERAL LANDS, YOU MUST IMMEDIATELY STOP ONGOING ACTIVITIES CONNECTED WITH THE DISCOVERY, MAKE A REASONABLE EFFORT TO PROTECT THE DISCOVERED REMAINS, ITEMS OR OBJECT AND NOTIFY THE BLM FIELD MANAGER OF THE DISCOVERY.

UTILIZATION OF PERENNIAL GRASS SPECIES WILL NOT EXCEED 50% OF THE

82818

Standard Terms and Conditions

1. Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
2. They are subject to cancellation, in whole or in part, at any time because of
 - a. Noncompliance by the permittee/lessee with rules and regulations
 - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based
 - c. A transfer of grazing preference by the permittee/lessee to another party
 - d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described
 - e. Repeated willful unauthorized grazing use
 - f. Loss of qualifications to hold a permit or lease
3. They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans MUST be incorporated in permits or leases when completed.
4. Those holding permits or leases MUST own or control and be responsible for the management of livestock authorized to graze.
5. The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
6. The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
7. Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
8. Livestock grazing use that is different from that authorized by a permit or lease MUST be applied for prior to the grazing period and MUST be filed with and approved by the authorized officer before grazing use can be made.
9. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
10. The holder of this authorization must notify the authorized officer immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (cultural items), stop the activity in the area of the discovery and make a reasonable effort to protect the remains and/or cultural items.
11. Grazing fee payments are due on the date specified on the billing notice and MUST be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.
12. No Member of, or Delegate to, Congress or Resident Commissioner, after his/her election of appointment, or either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) and Sections 509 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C. 22), 18 U.S.C. Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

THIS GRAZING PERMIT

1. CONVEYS NO RIGHT, TITLE OR INTEREST HELD BY THE UNITED STATES IN ANY LANDS OR RESOURCES

2. IS SUBJECT TO (A) MODIFICATION, SUSPENSION OR CANCELLATION AS REQUIRED BY LAND PLANS AND APPLICABLE LAW, (B) ANNUAL REVIEW AND MODIFICATION OF TERMS AND CONDITIONS AS APPROPRIATE; AND (C) THE TAYLOR GRAZING ACT, AS AMENDED, THE FEDERAL LAND POLICY AND MANAGEMENT ACT, AS AMENDED, THE PUBLIC RANGELANDS IMPROVEMENT ACT, AND THE RULES AND REGULATIONS NOW OR HEREFTER PROMULGATED THEREUNDER BY THE SECRETARY OF THE INTERIOR

ACCEPTED

SIGNATURE OF PERMITTEE

DATE

APPROVED

BLM AUTHORIZED OFFICER

DATE

Form 4130-2a

(February 1999)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

GRAZING PERMIT

STATE ID
OFFICE LLIDB01000
AUTH NUMBER 1101222
PREFERENCE CODE 03
DATE PRINTED 07/16/2016
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MANDATORY TERMS AND CONDITIONS

ALLOTMENT	PASTURE	LIVESTOCK		GRAZING PERIOD		% PL	TYPE USE	AUMS
		NUMBER	KIND	BEGIN	END			
00344 JENKINS CREEK		228	CATTLE	04/05	10/30	24	ACTIVE	376

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82818

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 - a. Noncompliance by the permittee/lessee with rules and regulations;
 - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based;
 - c. A transfer of grazing preference by the permittee/lessee to another party;
 - d. A decrease in the lands administered by the Bureau of Land Management within the allotments described;
 - e. Repeated willful unauthorized grazing use;
 - f. Loss of qualifications to hold a permit or lease.
3. They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans MUST be incorporated in permits or leases when completed.
4. Those holding permits or leases MUST own or control and be responsible for the management of livestock authorized to graze.
5. The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
6. The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
7. Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
8. Livestock grazing use that is different from that authorized by a permit or lease MUST be applied for prior to the grazing period and MUST be filed with and approved by the authorized officer before grazing use can be made.
9. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
10. The holder of this authorization must notify the authorized officer immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (cultural items); stop the activity in the area of the discovery and make a reasonable effort to protect the remains and/or cultural items.
11. Grazing fee payments are due on the date specified on the billing notice and MUST be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.
12. No Member of, or Delegate to, Congress or Resident Commissioner, after his/her election or appointment, or either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) and Sections 509 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom, and the provision of Section 3741 Revised Statute (41 U.S.C. 22), 18 U.S.C. Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

THIS GRAZING PERMIT

1. CONVEYS NO RIGHT, TITLE OR INTEREST HELD BY THE UNITED STATES IN ANY LANDS OR RESOURCES

2. IS SUBJECT TO (A) MODIFICATION, SUSPENSION OR CANCELLATION AS REQUIRED BY LAND PLANS AND APPLICABLE LAW; (B) ANNUAL REVIEW AND MODIFICATION OF TERMS AND CONDITIONS AS APPROPRIATE; AND (C) THE TAYLOR GRAZING ACT, AS AMENDED, THE FEDERAL LAND POLICY AND MANAGEMENT ACT, AS AMENDED, THE PUBLIC RANGELANDS IMPROVEMENT ACT, AND THE RULES AND REGULATIONS NOW OR HEREAFTER PROMULGATED THEREUNDER BY THE SECRETARY OF THE INTERIOR.

ACCEPTED:
SIGNATURE OF PERMITTEE _____ DATE: _____

APPROVED
BLM AUTHORIZED OFFICER _____ DATE: _____



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

October 14, 2021

JAMES L AND NELLIE ECKHARDT
C/O NORMAN M SEMANKO
PARSONS BEHLE & LATIMER
800 W MAIN ST STE 1300
BOISE ID 83702

Re: Withdrawal of Application for Transfer No. 82818 (67-14385)

Dear Applicant:

The Department has received your recent withdrawal of the above-referenced application. For your convenience a copy of the application and the withdrawal document are enclosed.

In addition, the prehearing conference scheduled for Wednesday, October 20, 2021 is now canceled. I am forwarding a copy of this letter to the Protestants to inform them of the cancellation.

Please feel free to contact our office at 208-334-2190 if you have additional questions in this matter. Also, more information about water rights and other matters administered by this agency is available on the Internet at www.idwr.idaho.gov.

Sincerely,

Denise Lauerman
Administrative Assistant
Western Regional Office

Enclosures

CC (without attachments): Bureau of Land Management (c/o Fred Price)

Miller, Nick

From: Miller, Nick
Sent: Wednesday, October 13, 2021 4:36 PM
To: Norman M. Semanko
Cc: fwprice@blm.gov; Lauerman, Denise
Subject: RE: Transfer 82818 (67-14385)

Dear Parties,

I will accept the email below as a withdrawal of application for transfer, and I will prepare a letter acknowledging the withdrawal and cancelling the conference for the 20th.

Please let me know if you have any questions or concerns with this process.

Nick.

From: Norman M. Semanko <NSemanko@parsonsbehle.com>
Sent: Wednesday, October 13, 2021 3:58 PM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Cc: fwprice@blm.gov
Subject: Transfer 82818 (67-14385)

Nick Miller,

The Eckhardts hereby withdraw Application for Transfer No. 82818 and request that the status conference scheduled for October 20 be cancelled.

Thank you.

Regards,

Norman Semanko



A Professional
Law Corporation

Norman M. Semanko • Attorney at Law
Parsons Behle & Latimer
800 West Main Street, Suite 1300 • Boise, Idaho 83702
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RECEIVED

OCT 15 2018

WATER RESOURCES
WESTERN REGION

October 15, 2018

Hand Delivered

Nick Miller
Western Region Manager
Idaho Department of Water Resources
Western Region
2725 Airport Way
Boise, ID 83705-5082

RE: Application for Transfer in the Name of James and Nellie Eckhardt

Dear Nick:

Enclosed is an Application for Transfer of water right no. 67-14385 for James and Nellie Eckhardt. The Transfer Application addresses the location of Spring Box 1 identified in the August 1, 2018 letter from Cherie Palmer to Eckhardt Family LLLP, James L Eckhardt, and Mr. Semanko. This point of diversion and place of use has not changed since the decree of water right 67-14385 was entered. The spring was originally claimed in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25 Twp 12N Rge 6W, B.M. During IDWR's review of the claim the location description was changed to the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25 but there is no documentation in the file for the basis of that change. With the aid of GPS, the location of the spring box has been found to be a short distance into the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25 and this application for transfer seeks to correct the location in the water right description. A check in the amount of \$50 is included to cover the filing fee for the application for transfer.

An SRBA claim has been filed for spring boxes 3 through 5 as identified in the August 1, 2018 letter from Cherie Palmer to Eckhardt Family LLLP, James L Eckhardt and Mr. Semanko. That claim is identified as claim no. 67-15305.

Spring box 2, also identified in the August 1, 2018 letter described above, is located on BLM managed land in Section 25. Mr. Fred Price of BLM believes spring box 2 is covered by BLM water right 67-12689. Mr. Price indicated he would do some additional research and report back his findings. We are still waiting for his report.

Denver
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Denver, CO 80218
303.830.1188

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1015 ½ Main Avenue
Durango, CO 81301
970.422.2136

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Hotchkiss, CO 81419
970.872.3020

Idaho
4001 East Main Street
Emmett, ID 83617
208.365.7684

www.eroresources.com

Consultants in
Natural Resources
and the Environment

82818

Even though Mr. Semanko is listed as the representative for the Applicant, please feel free to contact me as well if you have questions or need any additional information. Thank you in advance for your consideration.

Yours truly,



Dave Shaw

Enc.

cc: Eckhardt Family LLLP w/o Enc.
Norman Semanko w/o Enc.