

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 67-15388

Priority: April 12, 2021

Maximum Diversion Volume: 2.0 AF

This is to certify that

ECKHARDT FAMILY LLLP 1275 JENKINS CREEK RD WEISER ID 83672-5158

has applied for a permit to appropriate water from:

Source : UNNAMED STREAM

Tributary: JENKINS CREEK

and a permit is APPROVED for development of water as follows:

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Annual Volume</u>
STOCKWATER STORAGE	01/01 to 12/31	2.0 AF
STOCKWATER FROM STORAGE	01/01 to 12/31	2.0 AF

Location of Point(s) of Diversion

UNNAMED STREAM NW¼ SW¼, Sec. 12, Twp 12N, Rge 06W, B.M. WASHINGTON County

Place of Use: STOCKWATER STORAGE & STOCKWATER FROM STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	06W	12										X							

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2026**.
2. Subject to all prior water rights.
3. Right 67-15388 authorize total annual storage volume of 2.0 acre-feet, 1.0 acre-feet to be used for the initial filling or carryover storage of the pond and 1.0 acre-feet for the replacement of losses caused by seepage and evaporation.
4. The pond established by the storage of water under this right shall not exceed a total capacity of 1.0 acre-feet or a total surface area of 0.3 acres.
5. Stockwater use is for 200 cow-calf pairs.
6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
7. The diversion and use of water described in this right may be subject to additional conditions and limitations under a separate agreement between the right holder, Double C & J Ranch Co., Inc., and John and Christy Hoff, dated March 23, 2021, to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the right holder, Double C & J Ranch Co., Inc., and John and Christy Hoff.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 67-15388

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 22nd day of July, 2021.



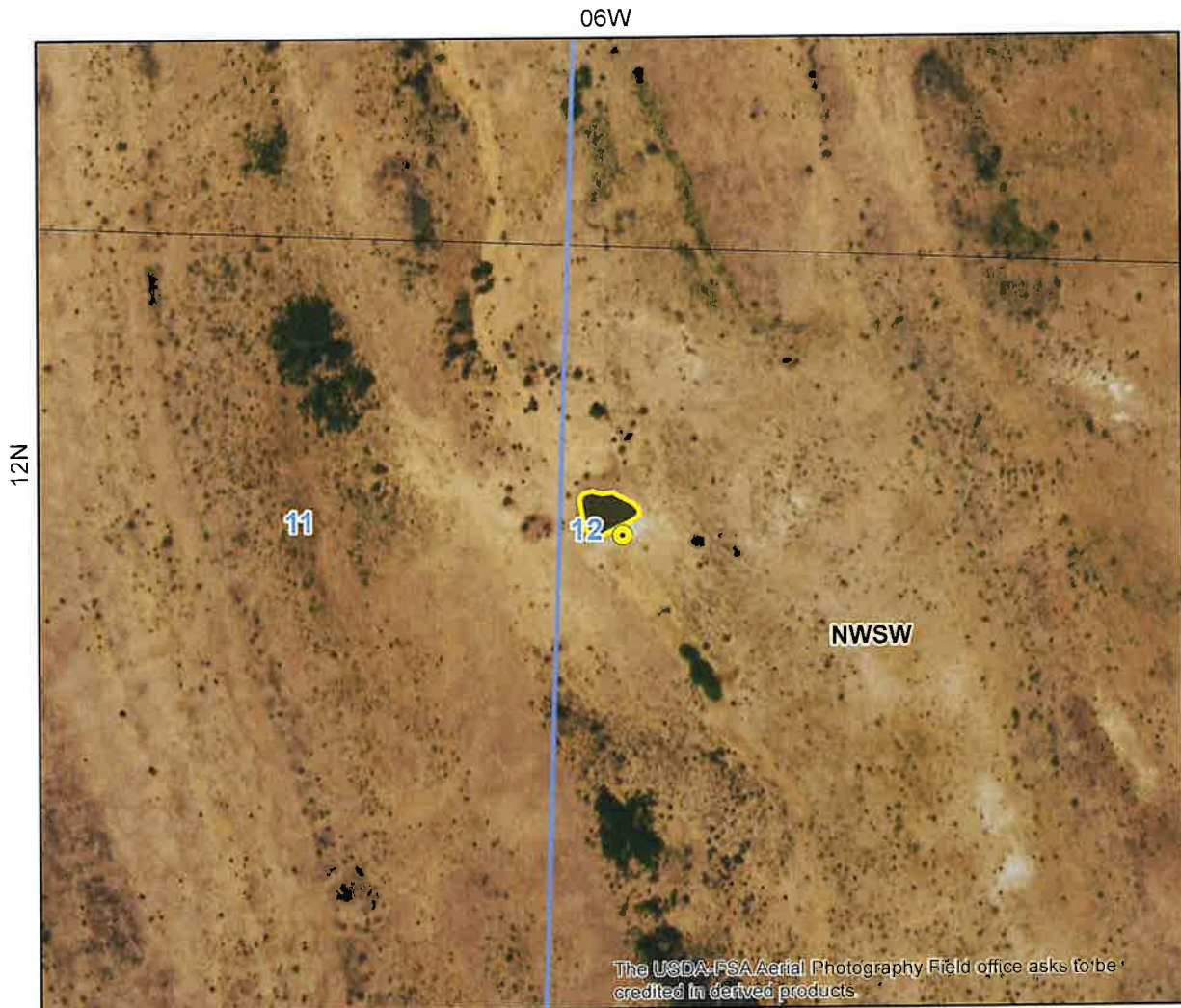
NICK MILLER
Western Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

67-15388

This map depicts the STOCKWATER STORAGE & STOCKWATER FROM STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.035 0.07 0.14 Miles





Brad Little
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Gary Spackman
Director

July 22, 2021

ECKHARDT FAMILY LLLP
1275 JENKINS CREEK RD
WEISER ID 83672-5158

RE: Permit No. 67-15384 – 67-15390

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources ("Department") has issued the enclosed permits authorizing you to establish new water rights. Please be sure to thoroughly review all the conditions of approval listed on your permits. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in a permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of each permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of each permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Please be advised that Idaho Code § 42-240, requires you to file a water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,


DENISE LAUERMAN

for Nick Miller
Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2021, I served a true and correct copy of Permit to Appropriate Water Nos. 67-15384 – 67-15390 by U.S. Mail, postage prepaid, to the following:

ECKHARDT FAMILY LLLP (Current Owner)
1275 JENKINS CREEK RD
WEISER ID 83672-5158

NORMAN M SEMANKO (Representative)
PARSONS BEHLE & LATIMER PLC
800 W MAIN ST STE 1300
BOISE ID 83702

SPF WATER ENGINEERING LLC (Representative)
C/O SCOTT N KING
300 E MALLARD DR STE 350
BOISE ID 83706


Denise Lauerman
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

RECEIVED

JUN 21 2021

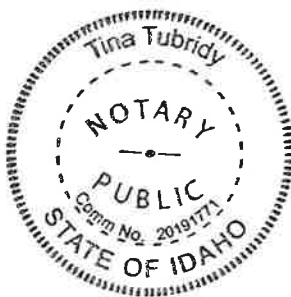
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)
) SS
COUNTY OF ADAMS)
COUNTY OF WASHINGTON)

David Tubridy being duly sworn, deposes and says that he is the Principle Clerk of The Record Reporter, a weekly newspaper published at Council, Adams County, State of Idaho and at Cambridge, Washington County, State of Idaho and having a general circulation therein and which said newspaper has been published continuously and uninterrupted in said Counties under the imprint of "The Adams County Record" in Adams County and "The Upper Country News-Reporter" in Washington County for a period exceeding seventy-eight (78) consecutive weeks prior to the first publication of this advertisement, a copy of which is attached thereto: that advertisement was published in the regular edition of The Record Reporter for two (2) insertions beginning with the Issue of June 02, 2021 and ending with the Issue of June 09, 2021.

David M. Tubridy

On this 9th day of June, 2021, before me, a Notary Public, personally appeared David Tubridy, known or identified to me to be the person whose name subscribed to the written instrument, and being by me first and duly sworn, declared that the statements therein are true and acknowledged to me that he executed the same.



Tina Tubridy
Notary Public of Idaho

Residing at Council, Idaho

My Commission Expires 8/30/2025

To: IDAHO DEPARTMENT OF WATER RESOURCES

Subject: APPLICATIONS TO APPROPRIATE, 67-15384, 67-15385, 67-15386, 67-15387, 67-15388, 67-15389, 67-15390

ticed meetings should contact washington County Planning and zoning seven (7) days prior to the meeting at 208-414-3631.

Published in the record-Reporter on May 26, 2021 • June 09, 2021

LEGAL NOTICE

Delton L. Walker, ISB No. 5839
Walker Law Offices
232 East Main Street
Weiser, Idaho 83672
Telephone: (208) 414-0390
Facsimile: (208) 414-0404

Attorney for the Estate

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS MAGISTRATE DIVISION

In the Matter of the Estate of: MARY WINTON, Deceased.

Case No. CV02-21-0054

NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that the undersigned have been appointed Co-Personal Representatives of the above-named decedent. All persons having claims against the decedent or her estate are required to present their claims within four (4) months after the date of the first publication of this notice or said claims will forever be barred. Claims must either be presented to the undersigned at the address indicated or filed with the Clerk of Court
DATED this 27 day of May, 2021.

s Sandra Tolman
SANDRA TOLMAN

s Mark Winton
MARK WINTON

Published in the Record Reporter on June 02, 2021 • June 09, 2021 • June 16, 2021

LEGAL NOTICE

IN THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS

IN RE: Patrick Wayne Cole
Case No: CV02-21-60

NOTICE OF HEARING ON NAME CHANGE (Adult)

67-15386

ECKHARDT FAMILY LLLP
1275 JENKINS CREEK RD

WEISER, ID 83672-5158

Point of Diversion SESW S36 T13N R06W WASHINGTON County Source UN-
NAMED STREAM Tributary JENKINS CREEK
Point of Diversion L3(NENW) S1 T12N R06W WASHINGTON County Source UN-
NAMED STREAM Tributary JENKINS CREEK
Use: STOCKWATER STORAGE 01/01 to 12/31 3 AF
Use: STOCKWATER FROM STORAGE 01/01 to 12/31 3 AF

Total Diversion: 3 AF

Date Filed: 04-12-2021

Place Of Use: STOCKWATER FROM STORAGE, STOCKWATER STORAGE

T12N R06W S1 L3(NENW)

Place Of Use: STOCKWATER FROM STORAGE, STOCKWATER STORAGE

T13N R06W S36 SESW

67-15387

ECKHARDT FAMILY LLLP
1275 JENKINS CREEK RD

WEISER, ID 83672-5158

Point of Diversion NENE S11 T12N R06W WASHINGTON County Source UN-
NAMED STREAM Tributary JENKINS CREEK
Use: STOCKWATER STORAGE 01/01 to 12/31 1.2 AF
Use: STOCKWATER FROM STORAGE 01/01 to 12/31 1.2 AF

Total Diversion: 1.2 AF

Date Filed: 04-12-2021

Place Of Use: STOCKWATER FROM STORAGE, STOCKWATER STORAGE

T12N R06W S11 NENE

67-15388

ECKHARDT FAMILY LLLP
1275 JENKINS CREEK RD

WEISER, ID 83672-5158

Point of Diversion NWSW S12 T12N R06W WASHINGTON County Source UN-
NAMED STREAM Tributary JENKINS CREEK
Use: STOCKWATER STORAGE 01/01 to 12/31 2 AF
Use: STOCKWATER FROM STORAGE 01/01 to 12/31 2 AF

Total Diversion: 2 AF

Date Filed: 04-12-2021

Place Of Use: STOCKWATER FROM STORAGE, STOCKWATER STORAGE

T12N R06W S12 NWSW

67-15389

ECKHARDT FAMILY LLLP
1275 JENKINS CREEK RD

WEISER, ID 83672-5158

Point of Diversion NWNE S18 T12N R05W WASHINGTON County Source UN-
NAMED STREAM Tributary JENKINS CREEK
Use: STOCKWATER STORAGE 01/01 to 12/31 1.8 AF
Use: STOCKWATER FROM STORAGE 01/01 to 12/31 1.8 AF

Total Diversion: 1.8 AF

Date Filed: 04-12-2021

Place Of Use: STOCKWATER FROM STORAGE, STOCKWATER STORAGE

T12N R05W S18 NENW, NWNE

67-15390

ECKHARDT FAMILY LLLP
1275 JENKINS CREEK RD

WEISER, ID 83672-5158

Point of Diversion NESW S7 T12N R05W WASHINGTON County Source UN-
NAMED STREAM Tributary JENKINS CREEK