

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 67-15384

Priority: April 12, 2021

Maximum Diversion Volume: 0.5 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 : JENKINS CREEK

Tributary: SNAKE RIVER

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	0.5 AF
STOCKWATER FROM STORAGE	01/01 to 12/31	0.5 AF

Location of Point(s) of Diversion

JENKINS CREEK SW¼ NE¼, Sec. 36, Twp 13N, 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	
13N	06W	36			X					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 67-15384 authorizes total annual storage volume of 0.5 acre-feet, 0.2 acre-feet to be used for the initial filling or carryover storage of the pond and 0.3 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 0.2 acre-feet or a total surface area of 0.1 acre.
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. 67-15384

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

67-15384

This map depicts the STOCKWATER 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 § 42-248, requires you or the owner of this 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

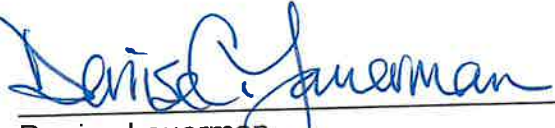
CERTIFICATE OF SERVICE

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.

MEMORANDUM

TO: Water Right File: 67-15384

FROM: Anna Kaiser

DATE: July 12, 2021

RE: POD Clarification

The pond proposed through application for permit no. 67-15384 overlays both the SENW and the SWNE quarter-quarters of T03N R06W Section 36. The application proposes the POD in the SENW quarter-quarter. Looking at the GIS imagery and the past (unapproved) applications submitted for this pond, it appears the true POD is located in the SWNE quarter-quarter. The POD is corrected to the SWNE—no amendment was required.

RECEIVED

JUN 21 2021

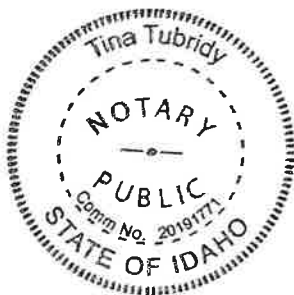
WATER RESOURCES
WESTERN REGION

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

LEGAL NOTICE

LEGAL NOTICE IS HEREBY GIVEN that the Washington County Planning and Zoning Commission will hold a public hearing on the 15th day of June, 2021 at 7:00 p.m. in the District Courtroom, of the Washington County Courthouse, 256 East Court, Weiser, Idaho. Enter through the west door of the building.

The purpose of this hearing will be to receive comment on the following matter.

Byron and Nancy Dale & Doris Jean Dale - Special Use Request

The applicants are requesting a special use permit to allow for a second residence to temporarily be placed on property located at 2665 Farm to Market Road, south-east of Midvale, to accommodate parents healthcare needs. RP13N03W281900

All interested persons are invited to attend the hearing and comment or submit written comment prior to or at the hearing. The hearing will be accessible via zoom. The connection to the meeting is not restricted. Citizens interested in listening to the Planning and Zoning Commission meeting may do so by accessing it through the URL (<https://zoom.us/j/94584398221>) and connect with a computer, iphone or android phone (you will need to download an app).

Join Zoom Meeting
<https://zoom.us/j/94584398221>

Meeting ID: 945 8439 8221
+1 253 215 8782 US
+1 301 715 8592 US

Due to uncertainty of the numbers giving testimony, all testimony will be limited to five minutes. Any person needing special accommodations to participate in noticed meetings should contact Washington County Planning and Zoning seven (7) days prior to the meeting at 208-414-3631.

Published in the econd-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

LEGAL NOTICE

The following applications have been filed to appropriate the public waters of the State of Idaho:

67-15384
ECKHARDT FAMILY LLLP
1275 JENKINS CREEK RD
WEISER, ID 83672-5158
Point of Diversion SENW S36 T13N R06W WASHINGTON County Source JENKINS CREEK Tributary SNAKE RIVER
Use: STOCKWATER STORAGE 01/01 to 12/31 0.5 AF
Use: STOCKWATER FROM STORAGE 01/01 to 12/31 0.5 AF
Total Diversion: 0.5 AF
Date Filed: 04-12-2021
Place Of Use: STOCKWATER FROM STORAGE, STOCKWATER STORAGE
T13N R06W S36 SWNE, SENW

67-15385
ECKHARDT FAMILY LLLP
1275 JENKINS CREEK RD
WEISER, ID 83672-5158
Point of Diversion SENE S36 T13N R06W WASHINGTON County Source JENKINS CREEK Tributary SNAKE RIVER
Use: STOCKWATER 01/01 to 12/31 1.9 AF
Use: STOCKWATER FROM STORAGE 01/01 to 12/31 1.9 AF
Total Diversion: 1.9 AF
Date Filed: 04-12-2021
Place Of Use: STOCKWATER, STOCKWATER FROM STORAGE
T13N R06W S36 SENE

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