

RECEIVED

FORM 202 Rev. 09/16

APR 12 2021
WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of IdahoIdent. No. 67-15386

1. Name of applicant(s) Eckhardt Family LLLP Phone 208-549-1754
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 1275 Jenkins Creek Road City Weiser
 State Idaho ZIP 83672-5158 Email ncherry@fmtcblue.com
2. Name of representative, if any Norman M Semanko Phone 208-562-4900
 Mailing address 800 W Main St, Ste 1300 City Boise
 State Idaho ZIP 83702 Email NSemanko@parsonsbehle.com
- a. ☐ 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.
- b. ☒ 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.
3. Source of water supply Unnamed Stream which is a tributary of Jenkins Creek
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
13N	6W	36			SE	SW	Washington	Unnamed Stream	Pond 4
12N	6W	1	3		NE	NW	Washington	Unnamed Stream	Pond 4

5. Water will be used for the following purposes:

Amount 3.0 afa for Stockwater Storage purposes from 1/1 to 12/30 (both dates inclusive)
 (cfs or acre-feet per year)

Amount 3.0 afa for Stockwater From Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

6. Total quantity to be appropriated is (a) _____ cubic feet per second (cfs) and/or (b) 3.0 acre-feet per year (af).

7. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. Earth embankment and pond
- b. Height of storage dam <10 feet; active reservoir capacity 1.4 acre-feet; total reservoir capacity 1.4 acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate [Application for Construction or Enlargement of a New or Existing Dam](#). Application required? ☐ Yes ☒ No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? _____; drilling firm _____;
 well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by CS Date 04/12/21 Time 1:00 Preliminary check by AK
 Fee \$ 100.00 Received by CS Receipt No. W049287 Date 04/12/21

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower: show total feet of head and proposed capacity in kW. _____
 - Stockwatering: list number and kind of livestock. 200 cow-calf pairs
 - Municipal: must complete and attach the Municipal Water Right Application Checklist.
 - Domestic: show number of households _____
 - Other: describe fully. _____
9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	6W	36												S					
12N	6W	1					S L3												

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Applications and permits for additional stockwater storage and SRBA claims for stockwater in the area.
11. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated or place of use? Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Stock watering ponds will improve the use of available range land and help protect the riparian areas along perennial streams where livestock must water without access to stockwater ponds. Pond 4 has a surface area of 0.4 acre and average depth of 3.2 feet. Total storage in item 5 is pond capacity (1.4 acre feet) + estimated seepage loss (0.5 acre feet) + estimated evaporation loss (1.1 acre feet) = 3.0 acre feet.
13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

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
James L Eckhardt, Registered Agent
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

Path: S:\PROJECTS\Echardt Family LLLP_1558\0010\101 Project\PROJECT\GIS\ArcMap_Projects\Echardt - PMT Pond 04.mxd



300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

Water Right Application for Permit
Eckhardt Family LLLP

Pond 4: 13N 6W 36 SESW
12N 6W 1 L3 (NENE)

DATE: 4/5/2021

CREATOR: SKing

PROJECT: 1558.0010



Absolute Scale: 1:2,000

0 65 130 260 Feet

Seepage Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total annual seepage losses from a pond.

FILE NUMBER	Pond 4 (67-_____)
REVIEWER	Scott King
DATE	12/3/2020

User Input
Calculated value
Formula Explanations

INPUTS

Pond Surface Area (AC.)	0.43	AC.
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Pond Surface Area (SQ. FT.)	18731	SQ. FT.
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I used the following method to obtain my Soil Classification information:	NRCS Web Soil Survey	
My Soil Classification is	CL	
Suggested Seepage Rate (FT./DAY)	0.0030	FT./DAY

Formula: (Surface Area X Seepage Rate) X 7.48 = Gallons Per Day Loss
--

Convert to GPD	420	GPD
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Total Seepage Loss (AFA)	0.5	AFA
--------------------------	-----	-----

Though sand and gravel seepage rates may actually be higher, the maximum allowable rate is 0.2 ft/day, pursuant to Administrative Memo "Seepage Loss Standards for Ponds and Reservoirs."

Suggested Seepage Rates for Different Soil Types:
GW, GP, GM, GC, SW, SP and SM (silty sand, sand silt mixtures and gravel mixtures) = 0.2 ft per day
OL and ML (inorganic silts - very fine sands, silty, or clayey fine sands) = 0.02 ft per day
SC (clayey sands, sand clay mixtures) = 0.007 ft per day
CL (Low to medium plasticity clays) = 0.003 ft per day
MH, OH, PT and CH (high plasticity clays) = 0.0003 ft per day
LINED PONDS (liners can be chemical, fabric, or bentonite) = 0 ft per day
Ponds Intercepting Groundwater (excavated ponds filled by ground water) = 0 ft per day

PLEASE NOTE: The initial basis for the Suggested Seepage Rates in the table above is found on Page 16 of Seepage from Fish Ponds, Bulletin 599, August 1989 Alabama Agricultural experiment Station, Auburn University, Auburn University Alabama. If you don't know the soil type, please refer to the map provided at the NRCS Web Soil Survey (Tab #1), an ArcMap Soil Classification Map (Tab #1.1), or published NRCS Soil Survey (Tab #1.2). Use "0" if the pond fill relies on the water table.

Evaporation Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the annual evaporation losses from a pond.

FILE NUMBER	Pond 4 (67-
REVIEWER	Scott King
DATE	12/3/2020

User Input
Calculated value
Formula Explanations

The acronyms used on the Kimberly Research Center website are defined below:
P = Precipitation
ET= Evapotranspiration
P _d = Precipitation deficit
P _d =ET-P

USING THIS SPREADSHEET

Use the link below to access the Kimberly Research Center website. This website provides the Precipitation Deficit for a station most representative of the pond under examination. The Precipitation Deficit is the total amount of free water surface evaporation minus the precipitation for a given area, which gives the total amount of evaporative losses incurred by the pond. There are several weather sites that are used throughout the state. IDWR staff can find the nearest site using Arc Map. The shape file containing the sites can be found at X:/Spatial/Climate/ETIdahostations.shp.

Instructions:

1. Use the link below to navigate to ET Idaho 2012.
2. Select the station which is most representative to your pond location.
3. Click Submit Query.
4. Under "Land Covers with Evapotranspiration Estimates," select "Open Water - Shallow Systems (ponds, streams)" or "Open Water - small stock ponds" depending on the pond size.
5. Click the link to "Precipitation Deficit."
6. Reference and copy (ctrl + C) the first subheading "Mean" values.
7. Click the "Paste Values from ET Idaho" button. The table will automatically enter a zero (0) for any negative precipitation deficit values.

Found at: <http://data.kimberly.uidaho.edu/ETIdaho/>

Precipitation Deficit

Station: Twin Falls 2 NNE (NWS -- 109294)

Month	mm/day ¹	Days per month	mm/Month
Jan	-0.87	31	0.00
Feb	-0.11	28	0.00
March	1.24	31	38.44
April	2.75	30	82.50
May	3.55	31	110.05
June	4.19	30	125.70
July	4.95	31	153.45
August	4.08	31	126.48
September	2.92	30	87.60
October	1.55	31	48.05
November	-0.46	30	0.00
December	-1.13	31	0.00

Total mm/year = 772.27

PLEASE NOTE: The seasonal average for precipitation deficit should not be used for calculations because precipitation often exceeds evaporation during wetter months of the year. If the pond is kept full, excess precipitation during wetter months does not serve to refill the pond during drier months.

For example, see Sandpoint KSPT (NWS -- 108137), the annual precipitation deficit is -106 mm. However, April through September have positive precipitation deficit values. To properly estimate the annual volume of water necessary to refill a pond due to evaporation losses, the table will automatically enter a zero (0) for each month that the precipitation value is reported as a negative value.

As described above, precipitation offsets evaporation in winter months, so the net effect is that wintertime precipitation deficit is usually zero.

$$[(772.27 \text{ mm/yr}) \div (\text{convert to feet})] \times (\text{Surface area of pond, in acres}) = \text{Evaporation Loss in Acre Feet}$$

(772.27 ÷ 304.8) X 0.43 = 1.1 AFA

Total Storage Calculations

FILE NUMBER	Pond 4 (67-)
REVIEWER	Scott King
DATE	12/3/2020

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	0.43	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	3.2	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	1.4	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.
Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	0	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a <i>from storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a " <u>From Storage</u> " component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (AF)	0.5	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	1.1	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	2.9	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

Flow Rate into Pond (CFS)	0.10	The "Flow Rate into Pond" depicts the actual flow, either measured or estimated, into the pond. For offstream facilities, this will be equivalent to "diversion to storage" rate.
Highest Daily Evaporation Rate From Evaporation Tab. (mm/Day)	4.95	This number is carried over from the "Evaporation Loss" sheet. It is the highest recorded number in the "Precipitation Deficit Table".
Required Daily Maintenance Volume (AF/Day)	0.01	"Required Daily Maintenance Volume" is the maximum volume of water needed on any given day during the year to maintain pond volume. It is calculated by adding the highest daily evaporation loss to the average daily seepage loss in acre feet. The average daily seepage loss is calculated by dividing the "Estimated Seepage Loss" by 365 days. This is acceptable, since the seepage rate shouldn't vary throughout the season unless the pond completely freezes over during the winter months. The highest daily evaporation loss is calculated by dividing the Highest Daily Evaporation Rate by the 304.8 conversion factor and multiplying this number by the pond surface area to attain a combined daily acre feet requirement.
Minimum Maintenance Flow (CFS)	0.00	The "Minimum Maintenance Flow" is the minimum amount of flow required to maintain the level of the pond. This number is determined by dividing the "Maximum Required Daily Maintenance Volume" by 1.9835. This flow can be used to determine if the flow rate into the pond is adequate to maintain the pond level.
Days Required to Fill the Pond	7	The "Days Required to Fill the Pond" is calculated by dividing the "Pond Capacity" by the "Flow Rate" minus "Minimum Maintenance Flow" multiplied by 1.9835. This section will assist you in determining if the flow rate being diverted to the pond is adequate to fill the pond while maintaining the pond level. The length of time to fill the pond will help determine if the flow rate is adequate for the size of pond being proposed. If this number is <i>approximately 6 months (180 days) or more</i> , the reviewer should have a discussion with the applicant to make sure he/she understands that it will take a significant length of time to fill the pond.
Days Required to Fill the Pond at 13,000 Gallons per Day	44	Some water users may want to fill a pond under the 13,000 gallons per day domestic exemption. The "Days Required to Fill the Pond at 13,000 Gallons per Day" is calculated by converting the "Pond Capacity" and the "Required Daily Maintenance Volume" to gallons. The "Pond Capacity" is then divided by 13,000 gallons minus the "Required Daily Maintenance Volume" in gallons to determine the number of days to fill pond. If this number is <i>approximately 6 months (180 days) or more</i> , the reviewer should have a discussion with the applicant to make sure he/she understands that it will take a significant length of time to fill the pond. Negative values indicate that the supply of 13,000 gallons per day is not enough volume to overcome the required daily maintenance volume; the pond will never fill.



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

June 2, 2021

JOHN HOFF
990 JENKINS CREEK RD
WEISER, ID 82672

**RE: Application for Permit Nos. 67-15384, 67-15385, 67-15386,
67-15387, 67-15388, 67-15389, 67-15390**

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink that reads "Denise Lauerman". The signature is fluid and cursive, with the first name "Denise" and last name "Lauerman" clearly legible.

Denise Lauerman
Administrative Assistant

Enclosure(s)



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

Brad Little
Governor

Gary Spackman
Director

June 2, 2021

UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
1387 S VINNELL WAY
BOISE, ID 83709

**RE: Application for Permit Nos. 67-15384, 67-15385, 67-15386,
67-15387, 67-15388, 67-15389, 67-15390**

Dear Interested Party:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Lauerman
Administrative Assistant

Enclosure(s)

State of Idaho
Department of Water Resources
RECOMMENDATION FORM

**RE: Application for Permit Nos. 67-15384, 67-15385, 67-15386, 67-15387, 67-15388,
67-15389, 67-15390**

New Appropriation Applicant's
Name:

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

Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned
as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this _____ day of _____.

Signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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

BRAD LITTLE

Governor

May 28, 2021

GARY SPACKMAN

Director

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

Eckhardt Family LLP Application for Permit No(s). 67-15384 – 67-15390

Dear Parties,

On April 12, 2021, The Idaho Department of Water Resources (Department) received the above-referenced applications for permit proposing stockwater storage uses in the Jenkins Creek drainage. On April 26, 2021, the Department sent a letter expressing our hesitation in processing these applications due to injury concerns that resulted in the denial of similar applications submitted in the name of Eckhardt Family LLP (Eckhardt) in 2018. The April 26th letter requested Eckhardt take one of the following three steps with regards to the applications:

1. Provide evidence that the proposed uses will not injure existing water users
2. Provide an acceptable mitigation plan to offset the injury to existing water users, or
3. Withdraw the permit applications.

On May 3, 2021, the Department received an email from Eckhardt's representative stating that the Department should no longer consider Eckhardt's ponds proposed in the Jenkins Creek drainage to be at risk of injuring Hoff's existing, senior water rights¹ following the Settlement Stipulation dated March 23, 2021 (Stipulation). The Stipulation, in summary, mutually resolves the historical contention between Hoff and Eckhardt, allowing each party to pursue their desired storage rights without objection or intervention from the other. Specifically, Item 1 of the Stipulation states that "the Hoffs agree not to protest Eckhardt's applications ... and further agree that Eckhardt's proposed diversion and use of water under the application will not result in injury to [Hoff's] water rights."

The Department considers the Stipulation to be adequate evidence that Eckhardt's proposed uses will not injure Hoff's existing senior water rights. The Department will proceed in processing the above-referenced applications for permit. The next step is to advertise the applications. The Department submitted the Eckhardt's applications for publication in the Record-Reporter to be published on June 2nd and 9th.

If you have any questions regarding the enclosed information, please do not hesitate to contact me at (208)-334-2190 or anna.kaiser@idwr.idaho.gov.

Sincerely,

Anna Kaiser

Water Resource Agent

IDWR | Western Region Office

2735 W Airport Way | Boise ID 83704

CC: NORMAN M SEMANKO
SCOTT N KING
JOHN HOFF

¹ The senior water rights referenced may be under the name of Double C&J Land Co., but can be described as Hoff's rights for the purpose of this letter as Hoff is the owner of Double C&J Land Co.



Brad Little
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Gary Spackman
Director

May 28, 2021

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

RE: Application for Permit Nos. 67-15384 – 67-15390

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the RECORD-REPORTER on 6/3/2021 and 6/10/2021. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Anna Kaiser
Water Resource Agent

CC:

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

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

Kaiser, Anna

From: Kaiser, Anna
Sent: Friday, May 28, 2021 11:42 AM
To: 'Gamaliel Masters'
Subject: WASHINGTON Legal Notice
Attachments: Cover Letter.docx; Legal Notice.docx

Good Afternoon Legal Clerk,

Please see the attached ad for publication on 6/2/2021 & 6/9/2021.

Please confirm this is okay to publish as shown and send confirmation and all other correspondence to this email.

Thank you,

Anna Kaiser | Water Resource Agent
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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Brad Little
Governor

Gary Spackman
Director

May 28, 2021

THE RECORD-REPORTER

RE: Application for Permit No. 67-15384, 67-15385, 67-15386, 67-15387, 67-15388, 67-15389, 67-15390

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 6/21/2021. Your cooperation is appreciated.

Sincerely,

Anna Kaiser
Water Resource Agent

Enclosure(s)

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 UNNAMED STREAM Tributary JENKINS CREEK
Point of Diversion L3(NENW) S1 T12N R06W WASHINGTON County Source UNNAMED 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 UNNAMED 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 UNNAMED 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 UNNAMED 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 UNNAMED 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 R05W S7 NESW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208)334-2190; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 6/21/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/3/2021 and 6/10/2021



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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

BRAD LITTLE

Governor

April 26, 2021

GARY SPACKMAN

Director

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

Application for Permit No(s). 67-15384 – 67-15390

Dear Applicants,

The Idaho Department of Water Resources (Department) acknowledges receipt of seven applications for permit filed by Eckhardt Family LLLP on April 12, 2021. The applications are complete and have been accepted by the Department for filing and have been assigned water right numbers 67-15384 through 67-15390. However, the Department requires some additional to continue processing the applications.

Applications 67-15384 – 67-15390 (2021 applications) are similar to Applications 67-15292, 67-15293, 67-15295, 67-15296, 67-15297, 67-15298, and 67-15300 (2018 applications) respectively. As you are aware, the Department denied the 2018 applications on the basis that water use under the 2018 applications would cause injury to senior water rights on Jenkins creek. The 2021 applications propose greater quantities of water but are otherwise indistinguishable from the 2018 applications. Absent information that the facts surrounding the 2021 applications are materially different than the facts surrounding the 2018 applications, the Department would also deny the 2021 applications.

Based on the information above, the following are the options with regard to your applications:

- a) You may provide evidence the use will not injure existing water right users.
- b) You may provide an acceptable mitigation plan to offset injury to existing water right users.
- c) You may withdraw your applications (form enclosed).

Please provide IDWR with a written response outlining which option you chose with regard to your application and any supporting information. You may seek additional time to provide the response by making a written request to interrupt processing for up to six months. The application will be voided without a timely written reply within the next thirty (30) days. Refunds are not issued for voided applications.

If you have any questions regarding the enclosed information, please do not hesitate to contact me at (208)-334-2190 or anna.kaiser@idwr.idaho.gov.

Sincerely,

Anna Kaiser

Water Resource Agent

IDWR | Western Region Office

2735 W Airport Way | Boise ID 83704

CC: NORMAN M SEMANKO
SCOTT N KING

Kaiser, Anna

From: Scott King <SKing@spfwater.com>
Sent: Wednesday, April 14, 2021 4:43 PM
To: Kaiser, Anna
Subject: RE: 67-15386 POD clarification

Hi Anna,

There is one dam that is in both S36 SESW and S1 Lt 3. I wanted to be cautious and show both QQs, but in reality there is only one point of diversion as it is one dam on one stream.

Does that help?

Thank you for asking,
Scott

From: Kaiser, Anna <Anna.Kaiser@idwr.idaho.gov>
Sent: Wednesday, April 14, 2021 4:31 PM
To: Scott King <SKing@spfwater.com>
Subject: 67-15386 POD clarification

Good afternoon,

I am currently reviewing the Eckhardt Family LLLP applications IDWR received earlier this week. The attached application lists two PODs under item4 but only shows one on the attached map. Could you please mark the second POD so I can map a precise location?

Thank you!
Anna

Anna Kaiser | Water Resource Agent
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov



RECEIVED

APR 12 2021

WATER RESOURCES
WESTERN REGION

April 7, 2021

Idaho Department of Water Resources
2735 Airport Way
Boise ID 83705-2348

Subject: Eckhardt Family LLLP Applications for Permit

On behalf of Eckhardt Family LLLP, please find enclosed seven applications for permit for stockwater storage ponds in the Jenkins Creek drainage near Weiser, Idaho. Also enclosed is a check in the amount of \$700 for application fees.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Scott N. King". The signature is fluid and cursive, with the first name "Scott" and last name "King" clearly legible.

Scott N. King, P.E.
Project Manager

cc: Eckhardt Family LLLP (via email)
Norman Semanko (via email)

File: 1558.0010