

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAY-6-1999  
PAGE: A-18

RIGHT NUMBER: 67-11045

NAME & ADDRESS: ECKHARDT FAMILY LIMITED PARTNERSHIP  
1275 JENKINS CREEK RD  
WEISER ID 83672-5158

SOURCE: JENKINS CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 12/31/1908

POINT OF DIVERSION: T12N R05W S30 NWSWSE (INSTREAM BEGINNING POINT) Within WASHINGTON County  
SESWSE (INSTREAM ENDING POINT)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	04-15 11-15	0.02 CFS

PLACE OF USE: STOCKWATER Within WASHINGTON County  
T12N R05W S30 SWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE  
STOCKWATER, 200 RANGE CATTLE

RECEIVED

JAN 29 2003

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

SUBCASE NO.: 67-11045

STANDARD FORM 5  
AMENDED CLAIM

For Domestic and Stockwater Rights

This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

Pursuant the terms of the *Stipulation and Joint Motion for Order Approving Stipulation* filed on August 29, 2002, such stipulation being incorporated into this *Standard Form 5*, the parties and IDWR agree and stipulate that the elements of the resulting water right should be described per the attached. The parties and IDWR have indicated their concurrence by initialing each of the attached pages

**OBJECTOR:**

United States on behalf of the  
Bureau of Land Management

David L. Negri 1/27/03  
David L. Negri date

Attorney, U.S. Dept. of Justice  
Environment & Natural Resources Div.

**IDWR CONCURRENCE:**

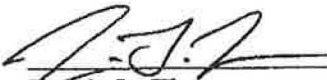
Roxanne Brown 1/23/03  
Roxanne Brown date  
Sr. Water Resource Agent, IDWR

**CLAIMANT:**

James L. Eckhardt  
Nellie Eckhardt

**RESPONDENTS:**

Bedke, Scott  
Bedke, Karl (Bud)  
Bedke, Bruce  
Tugaw, Joe  
Bedke, Jared  
Poulton, Gary  
Flying Triangle, Inc  
Deveny, Willis D& B  
Gardner, Luther  
Poulton, Micheal  
Pickett Ranch & Sheep Co.  
Hoagland, Jerry  
Joyce Livestock  
Western Stock Growers Association  
Mathews, Eugene  
Shoulders 3 Ranches  
A L Cattle Inc.

 1/22/03  
Travis L. Thompson      date  
Of Attorneys for Claimant & Respondents

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHTS FROM: SOURCE: JENKINS CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 67-11045

NAME & ADDRESS: ~~ECKHARDT FAMILY LIMITED PARTNERSHIP~~  
~~247 THORNWOOD~~  
~~MERIDIAN ID 83642~~

NELLIE ECKHARDT  
JAMES L ECKHARDT  
1275 JENKINS CREEK RD  
WEISER ID 83672-5158

SOURCE: JENKINS CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

~~THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED~~  
~~13,000 GALLONS PER DAY.~~

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH RIGHT NO. 67-  
12576 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.02  
CFS AND A TOTAL QUANTITY OF 13,000 GALLONS PER DAY.

PRIORITY DATE: ~~12/31/1908~~ 06/27/1934

POINT OF  
DIVERSION: T12N R05W S30

Within WASHINGTON County

~~NWSWSE (INSTREAM BEGINNING POINT)~~

~~SESWSE (INSTREAM ENDING POINT)~~

LOT 1 (NENWNW) (INSTREAM BEGINNING POINT)

LOT 1 (SENWNW) (INSTREAM ENDING POINT)

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE  
STOCKWATER

PERIOD OF USE

~~04-15~~ ~~11-15~~

01-01 12-31

QUANTITY

0.02 CFS

PLACE OF USE: STOCKWATER  
T12N R05W S30

Within WASHINGTON County

~~SWSE~~

LOT 1 (NWNW)

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE  
STOCKWATER, 200 RANGE CATTLE

RB

DN

AB

## CERTIFICATE OF MAILING

I certify that on Jan 27<sup>th</sup>, 2003, I delivered the original and copies of this form to the following persons, postage prepaid if required, and addressed as follows:

### 1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
P.O. Box 2707  
Twin Falls, ID 83303-2707

☒ overnight mail  
☐ regular mail  
☐ hand-delivered  
☐ facsimile

### 2. Copies to:

IDWR Document Repository  
P.O. Box 83720  
Boise, ID 83720-0098

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

U.S. Dept. of Justice  
Environment & Natural Resource Div.  
General Litigation Section  
550 W. Fort St., MSC 033  
Boise, ID 83724


☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

James and Nellie Eckhardt  
1275 Jenkins Creek Rd.  
Weiser, ID 83672-5158

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

Travis L. Thompson  
Barker Rosholt & Simpson  
P.O. Box 2139  
Boise, ID 83701-2139

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

  
\_\_\_\_\_  
Signature of person mailing this document