

HEARING

Application for Permit: 67-15333

Date: November 5, 2020

Presiding Officer: Shelley Keen

NAME	PHONE NUMBER ADDRESS, CITY, ZIP	EMAIL ADDRESS	REPRESENTING
John Hoff	990 Jenkins Cn Rd. Weiser ID 83672	JenkinsCnRanch & Gmail.com	Jenkins Cn Ranch
Christy Hoff	(same)		
NORMAN SEMANKO	800 W. Main St. #1300 Boise, ID 83702	n.semanko@ parsonslehle.com	Eckhardt Family LLP (Protestant)
Cheri Moore	22033 Ed Lane Middleton ID 83644	dcment@msn.com	EFLLLP
Candimythyn	308 S Main St Ste 103 Boise ID 83702	cmchugh@mchugh bromley.com	Double City
Chris Bromley	"	cbromley@mchugh bromley.com	"

If you are the applicant or the protestant, you can sign in and add your phone number. If you are not the protestant or the applicant, please fill in all the address information. PLEASE MAKE SURE TO ALWAYS PUT YOUR PHONE NUMBER AND EMAIL, IF POSSIBLE.
Thank you, IDWR.

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NAME	PHONE NUMBER ADDRESS, CITY, ZIP	EMAIL ADDRESS	REPRESENTING
Ron Shurtliff	102 N MAIN ST. Payette 83661	waterdist65@svvnet.com	Hoff
Dave Tutthill consultant zoom	Boise		Hoff
Aaron Worthen Zoom	Idaho Falls, ID		Eckhardt Family LLC
Rockford Zoom Stone (manager)	1275 Jenkins Creek Rd. Weiser, Id. 83672	keeper of the fire 77@gmail.com	41
Scott King consultant Zoom	Boise		41
Fred Price BLM Zoom	Boise		protestant withdrawn protest

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NAME	PHONE NUMBER ADDRESS, CITY, ZIP	EMAIL ADDRESS	REPRESENTING
Department Staff			
Shelley Keen			
Phill Hummer			
Jean Hersley			
Cherie Palmer (Zoom)			

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Thank you, IDWR.

EXHIBIT LIST FOR HEARING

IN THE MATTER OF APPLICATION FOR)
 PERMIT NO. 67-15333 IN THE NAME OF)
DOUBLE C & J LAND CO)

Beginning at 9:00 AM
November 5 & 6, 2020
 Hearing Officer: Shelley W Keen

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	STATUS OF	EVIDENCE
		INTRODUCED	ADMITTED
	Applicant's Exhibits		
1	Partial Decree WR 67-2044 *	✓	✓
2	Partial Decree WR 67-2097A		
3	Partial Decree WR 67-2097B		
4	Letter from Jay Edwards, Title Report w/attachments		
5	Application for Permit 67-15333 *	✓	✓
6	Partial Decree WR 67-14246		
7	Partial Decree WR 67-14247		
8	Partial Decree WR 67-14251 *	✓	✓
9	Application for Permit 67-15170		
10	Map of the drainage		
11	Photographs 2002		
12	Photographs of the Jenkins Creek Ranch Sign *	✓	✓
13	Photographs 2005 *	✓	✓
14	Idaho Power records		
15	Photograph of water truck *	✓	✓
16	Photographs 2017 *	✓	✓

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	STATUS OF	EVIDENCE
		INTRODUCED	ADMITTED
17	John Hoff Statement		
18	Photographs 2018 *	✓	✓
19	ET & CU requirements		
20	CU and CIR		
21	Photographs 2019 *	✓	✓
22	Idaho Power Daily readings *	✓	✓
23	Backfile of 67-2044		
24	Right of Way Application w/BLM & attachments		
25	Dam Safety file pgs. 1003, 1004, 1059, 1170, 1173, 1176, 1177, 1178, 1198, 1341	✓	✓
26	Partial Decree Eckhardt WR 67-11045		
27	Partial Decree Eckhardt WR 67-12576		
28	Stipulation for 67-12576 1386, 1396 + 1397 *	✓	✓
29	Map from Washington County Assessor *	✓	✓
30	Map from Washington County Assessor-labeled (large map) *	✓	✓
31	Maps		
32	67-2097- portions of back file- lg map *	✓	✓
33	BLM 1911 Letter		
34	Eckhardt's Expert Rebuttal prepared by SPF Engineering LLC *	✓	✓
35	Double C&J Expert Report prepared by Idaho Water Engineering *	✓	✓
36	Double C&J Expert Rebuttal report prepared by Idaho Water Engineering *	✓	✓
37	GLO 2-20-1928 (SJ ex. 1)		
38	February 26, 1913 letter DOI SJ Ex 2		

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	STATUS OF INTRODUCED	EVIDENCE ADMITTED
39	March 21, 1913 Letter DOI SJ Ex 3		
40	BLM large Map SJ Ex 4	✓	✓
41	ROW Decision 1-9-2003 SJ Ex 5 <i>Right of Way</i>	✓	✓
42	Patents to Eckhardt Predecessors SJ Ex 6		
43	Maddox Declaration SJ Ex 7	✓	✓
44	Hoff Declaration SJ Ex 8		<i>wa</i>
45	67-11045 Claim	✓	✓
46	SF5 67-11045	✓	✓
47	photo of concrete diversion completed August 2020	✓	✓
48	photo of trees & Pole ⁶⁷⁻¹¹⁰⁴⁵	✓	not admitted
49	installation of weir	✓	↓
50	tape measure	✓	↓

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	STATUS OF	EVIDENCE
		INTRODUCED	ADMITTED
	Protestants Exhibits		
100	Expert Report prepared by SPF Water Engineering LLC (Scott King) ✕	✓	✓
101	Rebuttal Expert Report prepared by SPF Water Engineering LLC (Scott King) ✕	✓	✓
102	Declaration of Cheri Moore		
103	Preliminary Order Denying Application for Permit 67-15322 *	✓	✓
104	Order on Exceptions; Final Order for Apps for Permit 67-15292- 67-15297		
105	Order on Exceptions; Final Order for Apps for Permit 67-15298 and 67-15300		
106	Application for Permit 67-15292 ✕	✓	not admitted
107	Application for Permit 67-15293		
108	Application for Permit 67-15294		
109	Application for Permit 67-15295		
110	Application for Permit 67-15296		
111	Application for Permit 67-15297		
112	Application for Permit 67-15298		
113	Application for Permit 67-15300		
114	Application for Permit 67-15322		
115	Application for Transfer 82712		
116	Report Supporting Applications for Permit 67-15292-67-15298, 67-15300, 67-15322 & Application for Transfer 82712 prepared by ERO Resources		
117	Partial Decrees for 67-2044 & 67-2097A		
118	Letter RE: Notice of Intent to Investigate ✕	✓	✓

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	STATUS OF INTRODUCED	EVIDENCE ACCEPTED
119	Handwritten Map		
120	Partial Decree 67-2044		
121	Partial Decree 67-2097A		
122	Partial Decree 67-14247		
123	Partial Decree 67-14251		
124	Application for Permit 67-15170		
125	John Hoff Statement re: Jenkins Creek WR codes *		
126	The Fight for the Animals who Live in Jenkins Creek Environmental Disaster		
127	John & Christy Hoff protest 1-2001 *	✓	✓
128	Protest of Application for Permit 67-2097A *	✓	✓
129	John & Christy Hoff Statement		
130	Application for Transfer for WR 67-2097A		
131	Correspondence from First American Title re: Monroe Creek Dam T12NR5WSec6 *	✓	✓
132	John & Christy Hoff Protest of Amended permit 2420.063		
133	IDWR Preliminary Recommendation for 67-2044 *	✓	✓
134	IDWR Preliminary Recommendation for 67-2097A		
135	License & Certificate of Water Right No. 10558		
136	License & Certificate of Water Right No. 5983		
137	Idaho Industrial Institute Chart		

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	STATUS OF INTRODUCED	EVIDENCE ACCEPTED
138	Correspondence from Lloyd's Agency to State of Idaho		
139	Protest Checklist Application No. 67-15322		
140	IDWR Email Correspondence re: Complaint against Double C&J & John Hoff		
141	Correspondence to Double C&J from IDWR re: Notice of Intent to Investigate		
142	Correspondence from Norm Semanko to IDWR Director re: Complaint		
143	Reservoirs Bulletin 1916 *	✓	✓
144	Proof of Application of water to Beneficial Use permit No. 5983 *	✓	✓
145	Intermountain Institute Memo		
146	Decree, Monroe Creek Irrigation vs. Don Dickerson, et al.		

This image shows a full page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page, providing a template for handwriting practice or general writing. There are no margins, text, or other markings on the page.

TESTIMONY LOG

IN THE MATTER APPLICATION FOR)
 PERMIT NO 67-15333 IN THE NAME OF)
DOUBLE C&J LAND CO)

Beginning at 9:00 AM
November 5 & 6, 2020
 Hearing Officer: Shelley W. Keen

DIGITAL AND TAPE INFORMATION:

DIGITAL TRACK	DIGITAL LOCATION	LAPTOP TIME STAMP	LAPTOP LOCATION	TESTIMONY DESCRIPTION
NO.	HRS-MIN-SEC	TO	FROM	
1	00:00		00:00	hearing on record 9:33 AM
1	8:24	58:38	8:24	McBromley ^(Chris) call - Mr Hoff
1	58:38		58:38	Shelley asks a few questions measuring devices?
2	00:00:00		1:1:55	MR. Somarto ^(Norm) questions Mr Hoff
	12:05		1:13:49	Break
	33:23			objection by Candace McNugh
	44:29		1:40:00	Shelley interjects
	50:00		1:51:35	Ex 47
	54:07		1:55:00	Shelley asks question about Maddox Bar & Ranch ex 43
	55:55		1:57:00	re-direct by Chris
	59:50		2:01:00	objection by Norm
	1:08:00		2:09:00	Exhibit 47 introduced
	1:13:00		2:14:35	Norm Re-cross
	1:18:00		2:15:00	Mr. Hoff concluded testimony exhibits admitted
	1:20:00			Lunch
3		2:25:00	0:00:00	FO WATER ENGINEERING Dave Tuthill - called by Candace
				recognized as expert witness
	42:00		3:10:00	Norm questions Dave
	49:11		3:15:00	objection by Candace - upheld
	59:20		03:25	objection
	1:05:00		03:37:00	Shelley asks questions about priority
	1:32:00		04:00 -	
4		new track		re-direct of Dave
	5:49		06:5:49	Norm re-crosses Dave

DIGITAL TRACK	DIGITAL LOCATION	LAPTOP TIME STAMP	LAPTOP LOCATION	TESTIMONY DESCRIPTION
NO.	HRS-MIN-SEC	TO	FROM	
4	8:55		00:08:55	Chris calls Ron Shurtleff (WD-65)
	10:35		10:35	objection by Norm to Mr. Shurtleff because not WM of this basin
	22:35		22:35	Norm crosses Mr. Shurtleff
	30:45		30:45	Shelley asks question
	39:07		39:07	Chris. re-directs
	42:10		42:10	Norm - re-cross
	42:58		42:58	Mr. Shurtleff end of testimony
5			44:38	Norm calls Scott King (SPF)
				establish that Scott is testifying by phone - no video
	7:25		52:10	recognize Scott as expert
	50:07		1:34:39	objection by Candace beyond what is in his report
	1:37:25		52:51	Shelley asks question - thoughts on conditions if approved
	1:40:00		55:25	Candace crosses Scott
	1:00:00?		1:45:49	objection by Norm - 67-11045 - who owns cattle & POH
	1:07:00		1:51:37	objection by Norm - re: WR 67-11045 - on record
	1:13:30		1:58:01	Norm re-directs Scott
	1:20:00		2:4:55	Mr. King testimony - complete
6	00:00:00		2:07:10	Norm calls Rockford Stone - Ranch Manager - caretaker ²⁰¹⁴ 2016-mangee
	8:56		2:15:23	object by Candace - speculation
	11:45		2:18:35	Candace crosses Rocky
	17:30		2:24:25	objection by Norm about WR
	30:20		2:37:03	Norm re-directs
	34:22		2:40:00	Candace one final question stipulate to Exhibit 102 - won't call Cherie Moore as witness already in record - Summary Judgment

