

Double C & J Land Company
990 Jenkins Creek Road
Weiser, Idaho 83672

August 25, 2017

Directory Gary Spackman
Idaho Department of Water Resources
380 East Front Street
Boise, Idaho 83702-7374

Hand Delivered to IDWR Western Regional Office

Re: Eckhardt Family Limited Partnership Illegal Diversions

Dear Director Spackman:

Double C & J Land Company is the owner of water right nos. 67-2044, 67-2097A, 67-2097B, 67-4520, 67-14246, 67-14247, and 67-14251, located in the Jenkins Creek drainage, with sources from Tar Gulch, Jenkins Creek, and Monroe Creek. We filed claims to these water rights in the Snake River Basin Adjudication ("SRBA") with decrees issued by the Court on October 20, 2008. Since before the SRBA decrees were issued, our lawful right to divert water from Tar Gulch, Jenkins Creek, and Monroe Creek has been continually frustrated by Jim Eckhardt and/or the Eckhardt Family Partnership (collectively "Eckhardt").

In 2015, Eckhardt filed applications for permit with the Idaho Department of Water Resources for diversion of water to storage in the Jenkins Creek drainage. The applications for permit were numbered: 67-15127, 67-15128, 67-15129, 67-15130, and 67-15131. As you will see from the files, the applications were prepared in order to make legal previously unlawful diversions placed in the Jenkins Creek drainage. Double C & J Land Company was never notified by Eckhardt, or anyone else, of these illegal diversions. When Double C & J Land Company became aware of Eckhardt's applications for permit, we protested them due to the fact that they injure our senior water rights. The Eckhardt applications went forward to a prehearing conference, with service of some discovery. On January 29, 2016, Eckhardt, through its attorney, withdrew the applications, stating, "the ponds that are the subject of the applications for permit . . . capture only diffuse surface water. Consequently, they are not under the jurisdiction of the Idaho Department of Water Resources."

We strongly disagree that the Eckhardt ponds capture "diffused surface water . . . and are not under the jurisdiction of the Idaho Department of Water Resources." Water diverted and impounded by Eckhardt injures our senior water rights, and has been an ongoing problem for many, many years. Despite our best efforts, Eckhardt refuses to remove his illegal diversions. When we protested his applications that were intended to make his illegal diversions somehow lawful, he then made the argument that his illegal diversions were outside the jurisdiction of the Department. We are left with no choice but to write to you, the Director, to begin enforcement

EXHIBIT

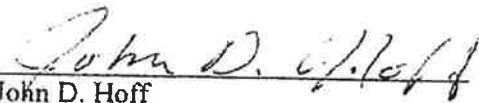
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proceedings against Eckhardt for the immediate removal of his illegal diversions of water in the Jenkins Creek drainage that impact our decreed rights to divert water.

We therefore respectfully request that you take all necessary steps to ensure the immediate removal of every illegal diversion placed in the Jenkins Creek drainage by Eckhardt.

Sincerely,



John D. Hoff
President, Double C & J Land Co.



Christy D. Hoff
Secretary/Treasurer, Double C & J Land Co.

c.c. Norman M. Semanko, Esq.
Nick Miller, IDWR Western Regional Manager