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NOV 09 2018

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82712

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

AMENDED

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Eckhardt Family LLLP

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☐ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ #10 Other. Please describe: _____

NOV 09 2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

WATER RESOURCES
WESTERN REGIONAmended APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Eckhardt Family LLLP Phone 208-549-1754
 Mailing address 1275 Jenkins Creek Rd, Weiser ID 83672-5158 Email ncherry@fmtcblue.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Norman M Semanko Phone 208-863-7921
 Mailing address Parsons Behle & Latimer, 800 W Main St, Ste 1300, Boise, ID 83702 Email NSemanko@parsonsbhele.co

- ☐ 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.
- ☐ 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 providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 or Authorized Representative

James L Eckhardt, Registered Agent
 Print Name and Title if applicable

11-9-18
 Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
 If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
 The application seeks to properly describe the location of 2 existing ponds for both points of diversion and places of use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☐	67-14386	0.02	Stock Water	1/1 to 12/1	Springs & Ponds
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.02 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.02 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Yes		NW	NW	SW	12	12N	6W	Washington	Ponds	Pond 6
Yes		SW	SE	NE	36	13N	6W	"	Ponds	Pond 2
		NE	SW	SE	7	12N	5W	"	Spring	
		NE	NW	NW	17	12N	5W	"	Spring	
		NW	NW	SE	11	12N	6W	"	Spring	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	5W	7															S		
		17						S											
	6W	11														S			
		12										S							
13N	5W	31								S									
	6W	36				S					S								
Total Acres (for irrigation use)																			

Ident. No.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Existing pond and spring stock water developments

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

None

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/23/2018

WATER RIGHT NO. 67-14386

Owner Type **Name and Address**

Current Owner JAMES L ECKHARDT

Current Owner NELLIE ECKHARDT

1275 JENKINS CREEK RD
WEISER, ID 83672-5158
2085491754

Original Owner BLUEFIELDS SA

43 5TH AVE
NEW YORK, NY 10003
2122434968

Priority Date: 12/31/1908

Basis: Decreed

Status: Active

Source **Tributary**

SPRING JENKINS CREEK

SPRING MONROE CREEK

SPRING SCOTT CREEK

SPRING SHEEP CREEK

PONDS JENKINS CREEK

Beneficial Use From **To** **Diversion Rate** **Volume**

STOCKWATER 01/01 12/31 0.02 CFS

Total Diversion 0.02 CFS

Location of Point(s) of Diversion:

SPRING NESWSE Sec. 07 Township 12N Range 05W WASHINGTON County

SPRING NENWNW Sec. 17 Township 12N Range 05W WASHINGTON County

SPRING NWNWSE Sec. 11 Township 12N Range 06W WASHINGTON County
 PONDS NESWNW Sec. 12 Township 12N Range 06W WASHINGTON County
 SPRING SWSENE Sec. 31 Township 13N Range 05W WASHINGTON County
 PONDS SESENE Sec. 36 Township 13N Range 06W WASHINGTON County
 SPRING NENESW Sec. 36 Township 13N Range 06W WASHINGTON County

Place(s) of use:

Place of Use Legal Description: STOCKWATER WASHINGTON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
12N	05W	7		SWSE										
		17		NWNW										
	06W	11		NWSE										
		12		SWNW										
13N	05W	31		SENE										
	06W	36		NESW										

Conditions of Approval:

- This partial decree is subject to such general provisions necessary for the definition of the rights or
1. C18: 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.
 2. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
 3. C33 This right shall be used in conjunction with Right No. 67-14385 and is limited to a total combined diversion rate of 0.02 cfs and a total combined quantity of 13,000 gallons per day.

Dates:

Licensed Date:

Decreed Date: 07/07/2003

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:
Combined Volume Limit:
Combined Rate Limit: 0.02
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False
Close

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that JAMES L. ECKHARDT and NELLIE R. ECKHARDT, husband and wife, called the Grantors, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto THE ECKHARDT FAMILY LIMITED PARTNERSHIP, hereinafter called the Grantee, and Grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining, situated in Washington County, State of Idaho, described as follows, to wit:

TOWNSHIP 11 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN:

Section 6: Lot 4;

TOWNSHIP 11 NORTH, RANGE 6 WEST OF THE BOISE MERIDIAN:

Section 1: Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$; S $\frac{1}{2}$;

Section 2: E $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 11: E $\frac{1}{2}$ NE $\frac{1}{4}$;

Section 12: N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;

TOWNSHIP 12 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN:

Section 6: Lots 3, 4, 5, 6, and 7, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 7: Lots 1, 2, 3 and 4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;

Section 8: W $\frac{1}{2}$ SW $\frac{1}{4}$;

Section 17: W $\frac{1}{2}$ NW $\frac{1}{4}$;

Section 18: Lot 1, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;

Section 19: Lots 1, 2, 3 and 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 30: Lots 2, 3 and 4, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 31: Lots 1, 2, 3 and 4, E $\frac{1}{2}$ NW $\frac{1}{4}$;

TOWNSHIP 12 NORTH, RANGE 6 WEST OF THE BOISE MERIDIAN:

Section 1: Lots 1, 2, 3 and 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Section 2: SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 11: E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;

Section 12: All;

Section 13: All;

Section 14: E $\frac{1}{2}$;

Section 24: N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 25: E $\frac{1}{2}$ E $\frac{1}{2}$;

Section 36: All;

TOWNSHIP 13 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN:

Section 30: Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$;

Section 31: Lots 1, 2 and 3, E $\frac{1}{2}$ W $\frac{1}{2}$;

TOWNSHIP 13 NORTH, RANGE 6 WEST OF THE BOISE MERIDIAN:

Section 36: All.

And Grantors hereby covenant to and with Grantees and Grantees' heirs, successors and assigns, that Grantors are lawfully seized in fee simple of the above granted premises, subject to the easements, reservations, and restrictions of record or appearing on the premises, and that Grantors will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those

WARRANTY DEED - 1

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claims, encumbrances, restrictions, reservations and easements it is conveyed subject to. Grantors make no representation or warranty as to any permitted use under applicable land use laws and regulations.

In Witness Whereof, the Grantors have executed this instrument this 31st day of December, 1997.

Grantees' address is: 247 Thornwood Drive, Meridian, ID 83642

James L. Eckhardt by Nellie R. Eckhardt Nellie R. Eckhardt
JAMES L. ECKHARDT by NELLIE R. ECKHARDT NELLIE R. ECKHARDT

STATE OF IDAHO)
: ss.
County of Ada)

On this 31st day of December, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared NELLIE R. ECKHARDT, for herself and as attorney-in-fact for JAMES L. ECKHARDT known or identified to me to be the persons who executed the within and foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first



Stephen Redstone
Notary Public for Idaho
Residing at: Boise ID
Commission Expires: 11-1-2002

INSTRUMENT NO. 171634
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of
RICHARD A CUMMINGS
40 Min. past EIGHT o'clock A. M.
This 15TH day of JANUARY 1998
Index to: DEEDS
SHARON WIDNER, Recorder Fee: \$6.00
By Jessie McKnight Deputy
BOX 1545, BOISE, ID 83701

Gmp. Index
Cmp. Rel.
Film
Compare
Card Rel.
Sk. Rel.
Up-date
Return
Copy

WARRANTY DEED - 2

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Application for Transfer of 67-14386



Based on 2017 NAIP Photography

Prepared by ERO 9-2018