

RECEIVED

NOV 19 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@parsonsbehle.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)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED
Ident. No. _____

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or well/diversion tag #
☐ Yes	13N	5W	31		SW	SE	NW	Washington	Spring	
☐ Yes		6W	36		NE	NE	SW	Washington	Spring	
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

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:

AMENDED

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

<u>Owner Type</u>	<u>Name and Address</u>
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

<u>Source</u>	<u>Tributary</u>
SPRING	JENKINS CREEK
SPRING	MONROE CREEK
SPRING	SCOTT CREEK
SPRING	SHEEP CREEK
PONDS	JENKINS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
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

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

Conditions of Approval:

1. C18 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.
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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ 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. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation.
Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and 2 attachments.
 Received by AK Date 11/9/2018 Preliminary check by EB Date 11/15/18
 Fee paid 25⁰⁰ Date 11/4/2018 Received by AK Receipt # WD46935
 Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

* Note \$200 fee paid on original app received on 9/12/18, W046746.

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

D:\2420.18\WD.6.wpd

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 Redenberry
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 McNaught Deputy
BOX 1545, BOISE, ID 83701

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

Application for Transfer of 67-14386



Based on 2017 NAIP Photography

Prepared by ERO 9-2018

RECEIVED

SEP 12 2018

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82712

Original

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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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.
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- ☒ * 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 12 2018

WATER RESOURCES
WESTERN REGION
ORIGINAL

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@parsonsbehle.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

9-10-18
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

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 & Unnamed Strms
☐ ☐				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	Unnamed Stream	Pond 6
Yes		SW	SE	NE	36	13N	6W	"	Unnamed Stream	Pond 2
		NE	~~NW~~	~~SW~~	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)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or well/diversion tag #
☐ Yes	13N	5W	31		SW	SE	NW	Washington	Spring	
☐ Yes		6W	36		NE	NE	SW	Washington	Spring	
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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:

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/23/2018

WATER RIGHT NO. 67-14386

<u>Owner Type</u>	<u>Name and Address</u>
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

<u>Source</u>	<u>Tributary</u>
SPRING	JENKINS CREEK
SPRING	MONROE CREEK
SPRING	SCOTT CREEK
SPRING	SHEEP CREEK
PONDS	JENKINS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
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 SWSSENW 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

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

Conditions of Approval:

1. C18 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.
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:

97109024 TOWNSHIP 11 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN:

Section 6: Lot 4;

97109024 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

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 written.



Notary Public for Idaho
Residing at: Boise ID
Commission Expires: 11-1-2022

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

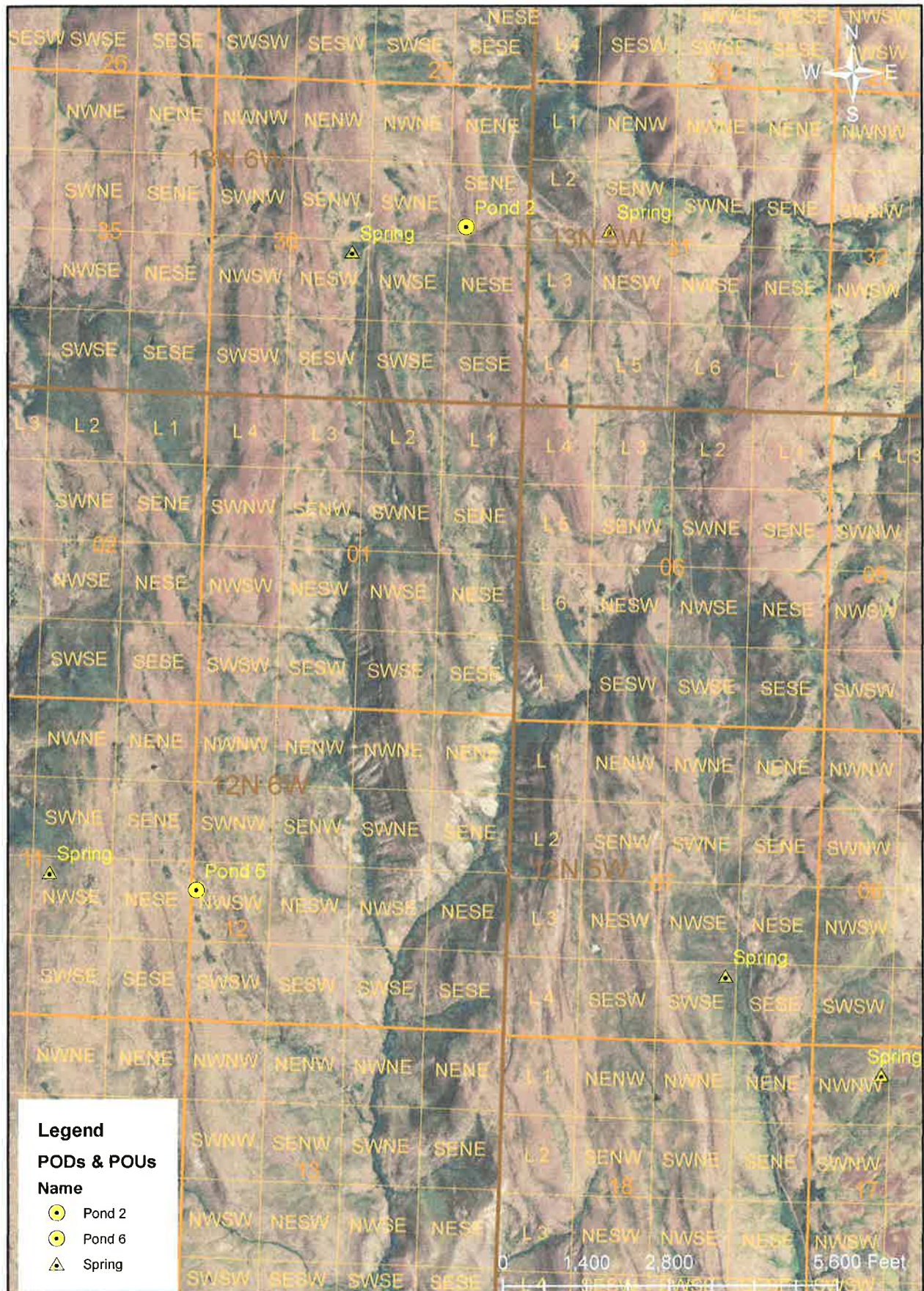
By Miss M^c Knight Deputy

BOX 1545, BOISE ID 83701

WARRANTY DEED - 2

D:\2420.18\WD.6.wpd

Application for Transfer of 67-14386



Based on 2017 NAIP Photography

Prepared by ERO 9-2018

No. L 3631	Due no later than Dec 31, 2017 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. ECKHARDT FAMILY LLLP JAMES L ECKHARDT 425 S WHITLEY DR #4 FRUITLAND ID 83619		JAMES L ECKHARDT 1275 JENKINS CREEK RD WEISER ID 83672			
			3. <u>New</u> Registered Agent Signature:*			
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
GENERAL PARTNER	JAMES L ECKHARDT	1275 JENKINS CREEK RD	WEISER	ID	USA	83672
GENERAL PARTNER	NELLIE R ECKHARDT	1275 JENKINS CREEK RD	WEISER	ID	USA	83672
5. Organized Under the Laws of: ID L 3631		6. Annual Report must be signed.* Signature: James L Eckhardt Date: 12/07/2017 Name (type or print): James L Eckhardt Title: General Partner				
Processed 12/07/2017		* Electronically provided signatures are accepted as original signatures.				

82712

Kaiser, Anna

From: Kaiser, Anna
Sent: Monday, December 3, 2018 2:15 PM
To: 'Tarter, James'
Subject: Application for Transfer No: 82712
Attachments: Application for Transfer No. 82712.pdf

December 3, 2018

J. ALLEN TARTER
BLM-FOUR RIVERS FIELD OFFICE
3948 DEVELOPMENT AVE.
BOISE ID 83705

RE: Application for Transfer No: 82712

Dear Mr. Tarter:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed with this email for your reference. Please review the application, complete the enclosed recommendation form, and submit your reply, if any, to this office by the protest deadline of **December 24, 2018**.

If your agency desires to formally protest approval of these applications, you may do so by filing a written protest along with a \$25.00 filing fee for each protested application by the protest deadline.

IDWR will assume your agency does not object to these applications if a timely response is not received. Please contact me if you have any questions regarding the applications. Thank you for your help.

Sincerely,

Anna Kaiser | Administrative Assistant I
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 Airport Way • Boise, Idaho 83705-5082

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 3, 2018

JOHN HOFF
990 JENKINS CREEK RD
WIESER ID 82672

Re: Application for Transfer No. 82712

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *Upper City News Reporter* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by March 23, 2015. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

Anna Kaiser
Administrative Assistant I
Western Regional Office

Enclosures

Kaiser, Anna

From: Kaiser, Anna
Sent: Friday, November 30, 2018 12:43 PM
To: 'idahofiddler@yahoo.com'
Subject: Washington Legal Notice
Attachments: Legal Ad.docx; Cover Letter.docx

Good Morning Legal Clerk,

My name is Anna. I will be sending you legal notices, please send confirmation to my email.

Please see the attached ad for publication on 12/06/2018 & 12/13/2018.

Please confirm these are okay to publish as shown.

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

November 29, 2018

LEGAL NOTICE DEPARTMENT
UPPER COUNTRY NEWS REPORTER
PO BOX 9
CAMBRIDGE, ID 83601-0009

RE: Application for Permit No: 67-15292
Application for Permit No: 67-15293
Application for Permit No: 67-15294
Application for Permit No: 67-15295
Application for Permit No: 67-15296
Application for Permit No: 67-15297
Application for Permit No: 67-15298
Application for Permit No: 67-15299
Application for Permit No: 67-15300
Application for Permit No: 67-15301
Application for Permit No: 67-15302
Application for Permit No: 67-15303
Application for Permit No: 67-15320
Application for Permit No: 67-15322
Transfer No: 82712
Water Right No: 67-14386

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices 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 12/24/2018. Your cooperation is appreciated.

Sincerely,

Anna Kaiser
Office Specialist

Enclosures

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

67-15292

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 FROM STORAGE 01/01 to 12/31 0.4 AF

Use: STOCKWATER STORAGE 01/01 to 12/31 0.4 AF

Total Diversion: 0.4 AF

Date Filed: 9/12/2018

Place Of Use: STOCKWATER STORAGE, STOCKWATER FROM STORAGE
T13N R06W S36 SWNE SENW

67-15293

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 FROM STORAGE 01/01 to 12/31 0.4 AF

Use: STOCKWATER STORAGE 01/01 to 12/31 0.4 AF

Total Diversion: 0.4 AF

Date Filed: 9/12/2018

Place Of Use: STOCKWATER STORAGE, STOCKWATER FROM STORAGE
T13N R06W S36 SENE

67-15294

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

Point of Diversion SESE S36 T13N R06W WASHINGTON County Source UNNAMED STREAM Tributary JENKINS CREEK

Use: STOCKWATER FROM STORAGE 01/01 to 12/31 0.5 AF

Use: STOCKWATER STORAGE 01/01 to 12/31 0.5 AF

Total Diversion: 0.5 AF

Date Filed: 9/12/2018

Place Of Use: STOCKWATER STORAGE, STOCKWATER FROM STORAGE
T13N R06W S36 SESE

67-15295

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

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

Point of Diversion SESW S36 T13N R06W WASHINGTON County Source UNNAMED STREAM Tributary JENKINS CREEK

Use: STOCKWATER FROM STORAGE 01/01 to 12/31 1.5 AF

Use: STOCKWATER STORAGE 01/01 to 12/31 1.5 AF

Total Diversion: 1.5 AF

Date Filed: 9/12/2018

Place Of Use: STOCKWATER STORAGE, STOCKWATER FROM STORAGE
T12N R06W S1 L3(NENW)
T13N R06W S36 SESW

67-15296

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 FROM STORAGE 01/01 to 12/31 0.4 AF

Use: STOCKWATER STORAGE 01/01 to 12/31 0.4 AF

Total Diversion: 0.4 AF

Date Filed: 9/12/2018

Place Of Use: STOCKWATER STORAGE, STOCKWATER FROM STORAGE
T12N R06W S11 NENE

67-15297

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 FROM STORAGE 01/01 to 12/31 0.4 AF

Use: STOCKWATER STORAGE 01/01 to 12/31 0.4 AF
Total Diversion: 0.4 AF
Date Filed: 9/12/2018
Place Of Use: STOCKWATER STORAGE, STOCKWATER FROM STORAGE
T12N R06W S12 NWSW

67-15298

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 FROM STORAGE 01/01 to 12/31 0.4 AF
Use: STOCKWATER STORAGE 01/01 to 12/31 0.4 AF
Total Diversion: 0.4 AF
Date Filed: 9/12/2018
Place Of Use: STOCKWATER STORAGE, STOCKWATER FROM STORAGE
T12N R05W S18 NWNE NENW

67-15299

ECKHARDT FAMILY LLLP
1275 JENKINS CREEK RD
WEISER, ID 83672-5158
Point of Diversion SESE S7 T12N R05W WASHINGTON County Source UNNAMED STREAM Tributary SHEEP CREEK
Point of Diversion SWSW S8 T12N R05W WASHINGTON County Source UNNAMED STREAM Tributary SHEEP CREEK
Use: STOCKWATER FROM STORAGE 01/01 to 12/31 0.3 AF
Use: STOCKWATER STORAGE 01/01 to 12/31 0.3 AF
Total Diversion: 0.3 AF
Date Filed: 9/12/2018
Place Of Use: STOCKWATER STORAGE, STOCKWATER FROM STORAGE
T12N R05W S7 SESE
T12N R05W S8 SWSW

67-15300

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 FROM STORAGE 01/01 to 12/31 0.9 AF
Use: STOCKWATER STORAGE 01/01 to 12/31 0.9 AF
Total Diversion: 0.9 AF
Date Filed: 9/12/2018
Place Of Use: STOCKWATER STORAGE, STOCKWATER FROM STORAGE
T12N R05W S7 NESW

67-15301

ECKHARDT FAMILY LLLP
1275 JENKINS CREEK RD
WEISER, ID 83672-5158
Point of Diversion SENE S7 T12N R05W WASHINGTON County Source UNNAMED STREAM Tributary SHEEP CREEK
Use: STOCKWATER FROM STORAGE 01/01 to 12/31 0.2 AF
Use: STOCKWATER STORAGE 01/01 to 12/31 0.2 AF
Total Diversion: 0.2 AF
Date Filed: 9/12/2018
Place Of Use: STOCKWATER STORAGE, STOCKWATER FROM STORAGE
T12N R05W S7 SENE

67-15302

ECKHARDT FAMILY LLLP
1275 JENKINS CREEK RD
WEISER, ID 83672-5158
Point of Diversion NESE S6 T12N R05W WASHINGTON County Source UNNAMED STREAM Tributary MONROE CREEK
Use: STOCKWATER FROM STORAGE 01/01 to 12/31 0.2 AF
Use: STOCKWATER STORAGE 01/01 to 12/31 0.2 AF
Total Diversion: 0.2 AF
Date Filed: 9/12/2018
Place Of Use: STOCKWATER STORAGE, STOCKWATER FROM STORAGE
T12N R05W S6 NESE

67-15303

ECKHARDT FAMILY LLLP

1275 JENKINS CREEK RD

WEISER, ID 83672-5158

Point of Diversion NWNW S36 T13N R06W WASHINGTON County Source UNNAMED STREAM Tributary SCOTT CREEK

Use: STOCKWATER FROM STORAGE 01/01 to 12/31 0.9 AF

Use: STOCKWATER STORAGE 01/01 to 12/31 0.9 AF

Total Diversion: 0.9 AF

Date Filed: 9/12/2018

Place Of Use: STOCKWATER STORAGE, STOCKWATER FROM STORAGE

T13N R06W S25 SWSW

T13N R06W S36 NWNW

67-15322

ECKHARDT FAMILY LLLP

1275 JENKINS CREEK RD

WEISER, ID 83672-5158

Point of Diversion NESW S6 T12N R05W WASHINGTON County Source JENKINS CREEK Tributary SNAKE RIVER

Use: STOCKWATER FROM STORAGE 01/01 to 12/31 200 AF

Use: STOCKWATER STORAGE 01/01 to 12/31 200 AF

Total Diversion: 200 AF

Date Filed: 11/23/2018

Place Of Use: STOCKWATER STORAGE, STOCKWATER FROM STORAGE

T12N R05W S6 SWNE SENW NESW NWSE

67-15320

ROYCE SCHWENKFELDER

JOHN R SCHWENKFELDER

3315 SCHWENKFELDER RD

CAMBRIDGE, ID 83610

Point of Diversion SWSE S16 T14N R02W WASHINGTON County Source GROUND WATER Tributary

Use: IRRIGATION 03/15 to 10/31 5.8 CFS

Total Diversion: 5.8 CFS

Date Filed: 11/19/2018

Place Of Use: IRRIGATION

T14N R02W S16 NESW NWSW SESW NWSE SWSE

T14N R02W S21 NWNE NENW NWNW

Total Acres: 290

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82712**

ECKHARDT FAMILY LLLP, 1275 JENKINS CREEK RD, WEISER, ID 83672-5158; has filed Application No. 82712 for changes to the following water rights within WASHINGTON County(s): Right No(s). 67-14386; to see a full description of these rights and the proposed transfer, please see research.idwr.idaho.gov/apps/waterrights/QueryNewTransfers. The purpose of the transfer is to change a portion of the above rights as follows: The purpose of the transfer is to properly describe the location of two existing ponds for both points of diversion and places of use. The site is located approximately 11 miles north of Weiser, Idaho.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed transfer (s) please see www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 12/24/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 12/6/2018 and 12/13/2018



RECEIVED
NOV 09 2018
WATER RESOURCES
WESTERN REGION

November 9, 2018

Hand Delivered

Nick Miller
Western Region Manager
Idaho Department of Water Resources
Western Region
2725 Airport Way
Boise, ID 83705-5082

RE: Amended Applications for Transfer and Permits in the Name of Eckhardt Family LLLP

Dear Nick:

Enclosed is an Amended Application for Transfer of water right no. 67-14386 and twelve Amended Applications for Permit for Eckhardt Family LLLP. The Amended Transfer Application includes a change of ownership of water right 67-14386 and a check in the amount of \$25 is included for that change of ownership.

Even though Mr. Semanko is listed as the representative for the Applicant, please feel free to contact me as well if you have questions or need any additional information. Thank you in advance for your consideration.

Yours truly,

Dave Shaw

Denver
1842 Clarkson St.
Denver, CO 80218
303.830.1188

Durango
1015 1/2 Main Avenue
Durango, CO 81301
970.422.2136

Hotchkiss
P.O. Box 932
161 South 2nd St.
Hotchkiss, CO 81419
970.872.3020

Idaho
4001 East Main Street
Emmett, ID 83617
208.365.7684

www.eroresources.com

Enc.
cc: Eckhardt Family LLLP w/o Enc.
Norman Semanko w/o Enc.

Consultants in
Natural Resources
and the Environment



RECEIVED
SEP 12 2018
WATER RESOURCES
WESTERN REGION

September 12, 2018

Hand Delivered

Nick Miller
Western Region Manager
Idaho Department of Water Resources
Western Region
2725 Airport Way
Boise, ID 83705-5082

RE: Applications for Transfer and Permits in the Name of Eckhardt Family LLLP

Dear Nick:

Enclosed is an Application for Transfer of water right no. 67-14386 and twelve Applications for Permit for Eckhardt Family LLLP. The Transfer Application addresses the location of Ponds 2 and 6 and there is one Permit Application for each of the 12 ponds identified in the August 1, 2018 letter from Cherie Palmer to Eckhardt Family LLLP and Mr. Semanko. A check in the amount of \$1,400 is included to cover the filing fees for all the applications.

Even though Mr. Semanko is listed as the representative for the Applicant, please feel free to contact me as well if you have questions or need any additional information. Also, please let Mr. Semanko of me know as soon as numbers are assigned to these applications. Thank you in advance for your consideration.

Yours truly,

Dave Shaw

Denver
1842 Clarkson St.
Denver, CO 80218
303.830.1188

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www.eroresources.com

Enc.
cc: Eckhardt Family LLLP w/o Enc.
Norman Semanko w/o Enc.

Consultants in
Natural Resources
and the Environment