

03/06/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-13145

NAME AND ADDRESS: HARDCASTLE FAMILY TRUST
675 N 8TH E
PRESTON ID 83263

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.360 CFS

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

PRIORITY DATE: 04/01/1955

POINT OF DIVERSION:

T09S R37E S2 SWNW Lot 4 Within BANNOCK County Source: PORTNEUF RIVER

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	0.360 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R37E S20 Lot 7 SWNW 8.6 T09S R37E S20 Lot 8 NWSW 9.5

STOCKWATER same as IRRIGATION

18.1 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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

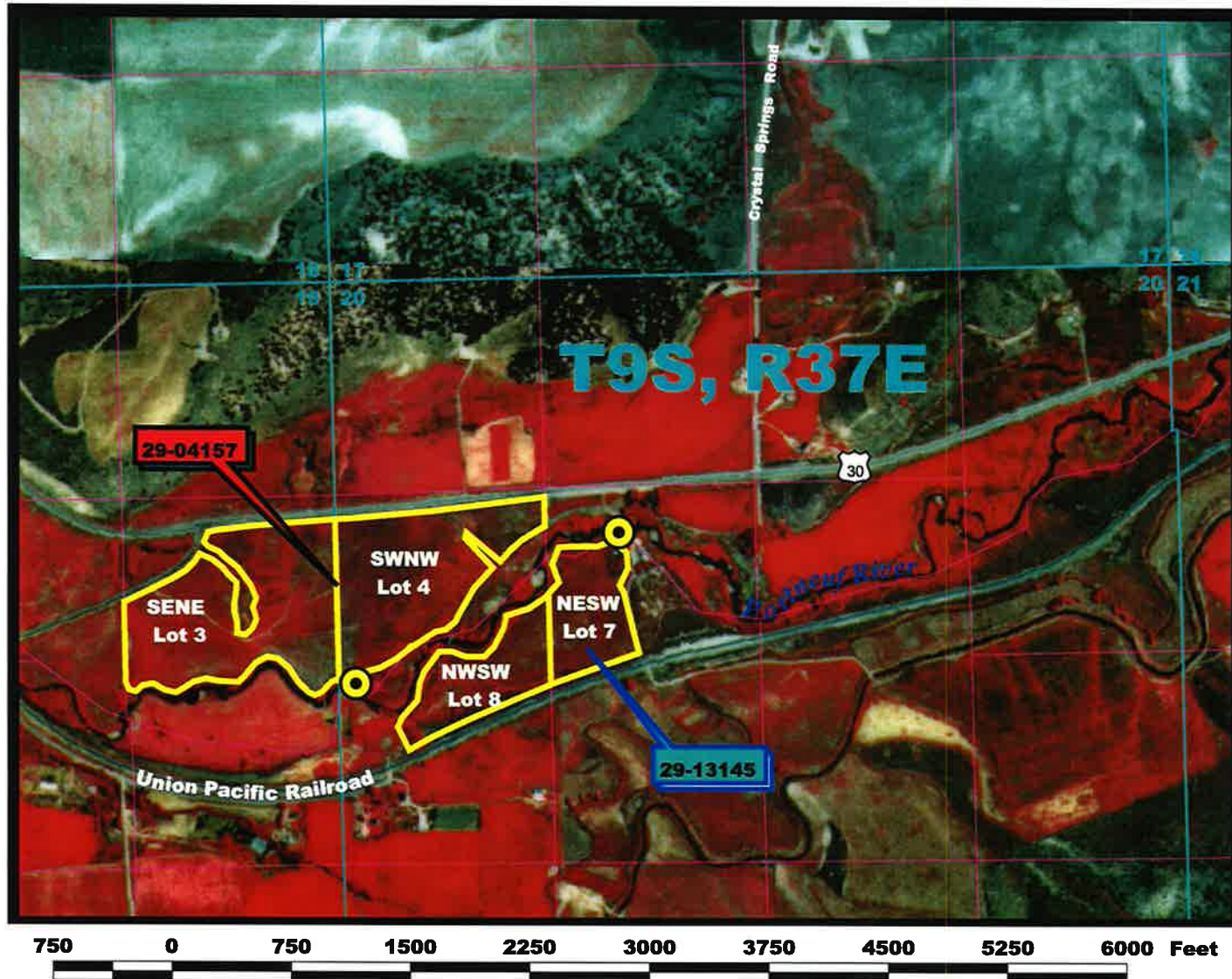
EXPLANATORY MATERIAL: Beneficial Use



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
29-04157, 29-13145

Place of Use: (parts of): T9S, R37E
Sec. 20 NESW (L7), NWSW (L8)
Sec. 20 SWNW (L4), Sec. 19 SENE (L3)

Point(s) of Diversion: T9S, R37E
Sec. 20 SWSWNW (L4)
Sec. 20 NWNESW (L7)



LEGEND

-  **Point of Diversion**
-  **SESE** **Place of Use**
-  **Section**
-  **Quarter-Quarter**

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-13145

HARDCASTLE FAMILY TRUST

675 N 8TH E

PRESTON ID 83263

Telephone Number: (208)852-2455

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

*Add Stockwater @ 0.02
Recommend POW so of River w/POD @ SENW SOC. 20
(so of River)*

2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 3/3/03

SIGNATURE: A Leon Hardcastle

Please print your name: A Leon Hardcastle

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

*Done
3/6/03*

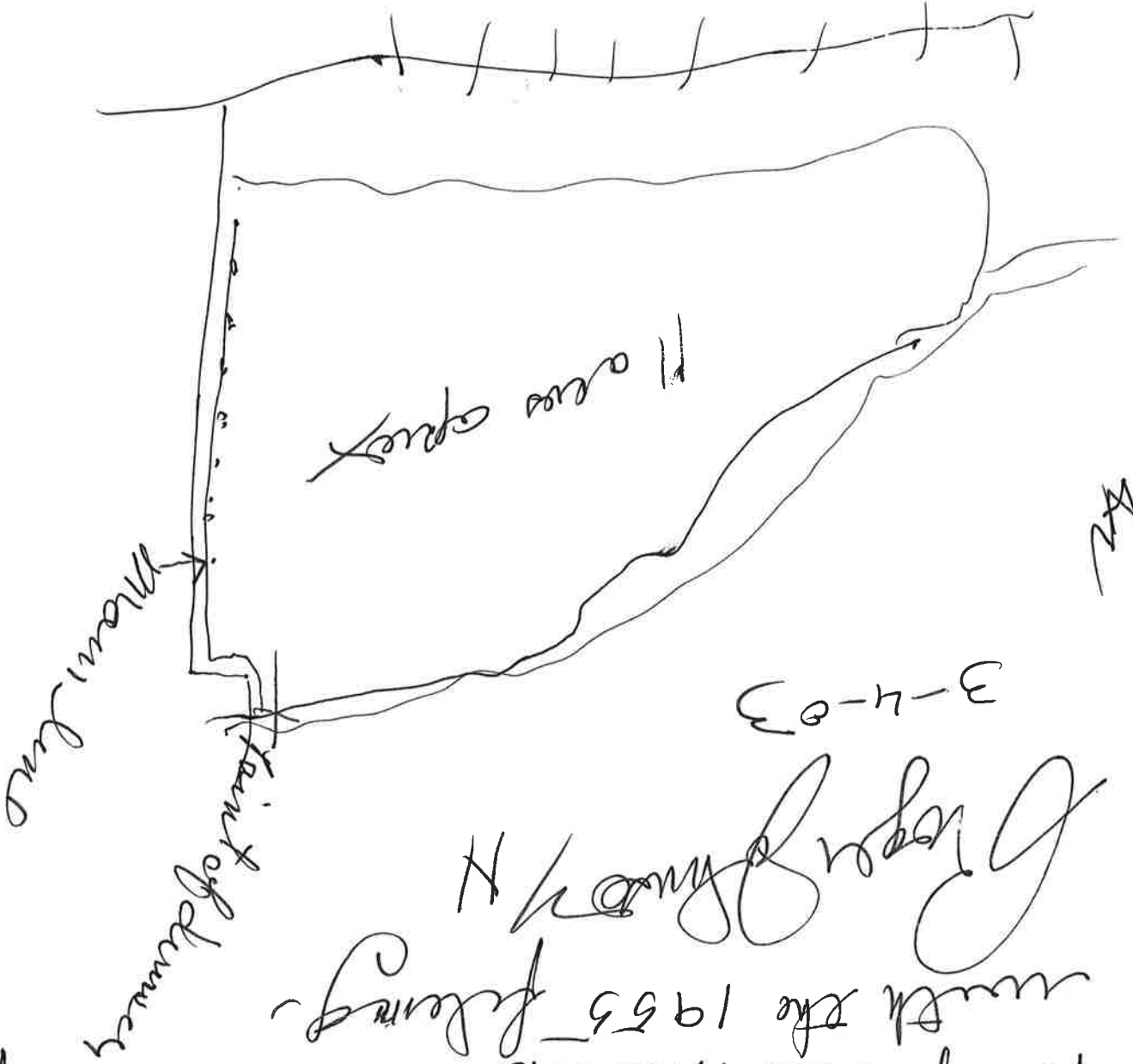
of Roger Johnson, did not

approx. 11 area of lot #4 that is south of the Portman river and west of the road from highway 30 to the railroad tracks. We used a portable pump and main line and were able

with the 1955 filing.

Roger Johnson N

3-4-03



29-4159

① Arthur H.
② Fred Wurst.

① THE ORIGINAL 243 CLAIM FILED BY ROGER THOMSON, FOR 1980 CLAIMS @.40cts mining on 10ac (twice ALLOWABLE DIV RATE/AC BY STATE 342-220 IC AND BY THE UNION LEARN ... DECEASE (CIRCA 1932). THEREFORE, 29-4159 WILL BE CONSIDERED AT 1/AC ON @.02ct/AC, AND, BASED ON ACTUAL ACRES INAGATED AND THE MEASURED FLOW OF THIS CLAIMED SOURCE. BEST GAGE (BASED ON .4cts) IS 20 ACRES.

② EVIDENCE OF PRIORITY IS FURTHER LETTER SENT 1/31/01 B. CENTER). AS OF 4/5/01 NO RESPONSE TO PRIORITY REQUEST. 9/30/02 → DISTILLATION.

③ ORIGINAL 243 CLAIM AND SRBA CLAIM BOTH ADDRESSES STOCKHOLDERS AT 0.02cts AS AN ADDITIVE VALUE TO 0.40cts FOR IRRIQ.

④ 29-04159 FILED AS PPL WITH OTHER RIGHTS AS: 29-200 DISTILLED - 505 29-13224 City of McElmoran 29-4157 29-13445 DISTILLED - NOTHING TO DISMISSE -

THERE EXISTS A QUESTION OF VALIDITY OF ALL OF THESE CLAIMS. Part of this question IS CENTERED AROUND THE Custom Ditch RIGHTS. 2.) ARE THERE / WERE THERE ANY? 29-247,248 & 29-12053 29-55,56 & 29-11253 NO! b.) decommissioned CHANGES IN SOUND & P.D.? when c.) BEST ACCOMPANYING % FOR 29-4157 STATES "Custom Ditch Rights WITHHELD." 1.) WHAT HAPPENED TO THEM? SOLD TO ANONYMOUS 2.) WHOSE NAMES / NAMES? NO TRANSFERRED 3.) SPLITS, TRANSFERS, Anything to FOLLOW THEM?

Allen



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID

POD ID

Quad

Claim Type

Easting

Northing

GPSID

Diversion Description

Assumptions

Invoice #

- Phase-0 (No Attention)
- Phase-I (Ready to Go to Field)
- Phase-II (Site Visit - Data Missin
- Phase-III (Complete w/issues)
- Phase-IV (Total Complete)

Linked
Photos

EPE (ft)	Date (M/D/Y)	Time	Flow Rate (CFS)
			0

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
- ☐ Half full
- ☐ More than half full
- ☐ Full

Diameter

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity Velocity

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning

(If used, include photo of representative channel section)

Channel Slope

Channel Description	
Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

New Contact Comments

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State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MEMORANDUM

To: Hardcastle Family Trust
Fr: Bryce Contor
Date: 1/31/2001

Re: Evidence of Priority

In order to recommend adjudication claims 29-4159 and 29-13145, we need documentation of the earliest date that water was put to beneficial use as claimed. The enclosed pamphlet describes some sources that may help.

If the documentation is an affidavit from a person who personally saw or performed the beneficial use of the water, some details are very important:

- The affidavit needs to clearly state "I saw..." or "I irrigated..."
- Details of dates and circumstances are very important.
- Any recollection of how much water was used, how many acres were irrigated, the type of system used and irrigation performed, is useful.
- The affidavit needs to carefully indicate where the water was used.

It will also be very helpful if you can find out the history of the use of Cutler Ditch water and use of water that was separate and independent from the Cutler Ditch water.

*10/10/01 CALLED MR. Hardcastle - Arranged Appt. for 9am at
Log Creek North Price Rd. McCammon*

MEMORANDUM

To: File 29-200
File 29-4159
File 29-13145
Hardcastle split of 29-4157
Fr: Bryce Contor
Date: 1/31/2001
Re: Cutler Ditch

Hardcastles came in today in response to a request for a more complete chain of title for a Notice of Change of Ownership for a portion of 29-4157, and to file claims on 29-200 and 29-4159, which appear to be appurtenant to this land but have not previously been claimed in the Adjudication.

The deed specifically excludes "Cutler Ditch Water" from the sale. AJ query indicates that an entity called "Cutler Ditch" has several AJ claims, and the names in the files appear to be neighbors of Hardcastles. A search of "Cutler Ditch" on the Secretary of State website failed to produce a result, so apparently the Cutler Ditch is not a formally organized entity.

29-200 is noted in the decree as delivered via the Cutler Ditch, but it is neither decreed to nor claimed by Cutler Ditch nor any of the identified owners of Cutler Ditch. At this point I interpret this to mean 29-200 was a private right originally conveyed via the Cutler Ditch but not owned by the Ditch association. On that assumption, I accepted AJ claim 29-200 with an accomplished change in POD to the heading of the current delivery ditch.

Hardcastles have not owned this property long and are not certain exactly where the Cutler Ditch is, but the current users appear to be on the north side of the highway. The current delivery ditch for Hardcastles' land is on the south of the railroad.

The 1987 NAPP clearly indicates more acres of irrigation than the combination of 29-200, 29-4159, and Hardcastles' portion of 29-4157. At this point it is unclear whether this irrigation was from Cutler Ditch shares owned by Hardcastles' predecessors, and retained in the deed, or whether this is a beneficial use right.

I accepted claim 29-13145 as a beneficial use claim, with the intention that if evidence is not provided, it still may be possible to recommend some of it as an enlargement. I cautioned the claimants that the exclusion of the "Cutler Ditch" water in the deed (copy in Notice of Change of Ownership 29-4157) is problematic.

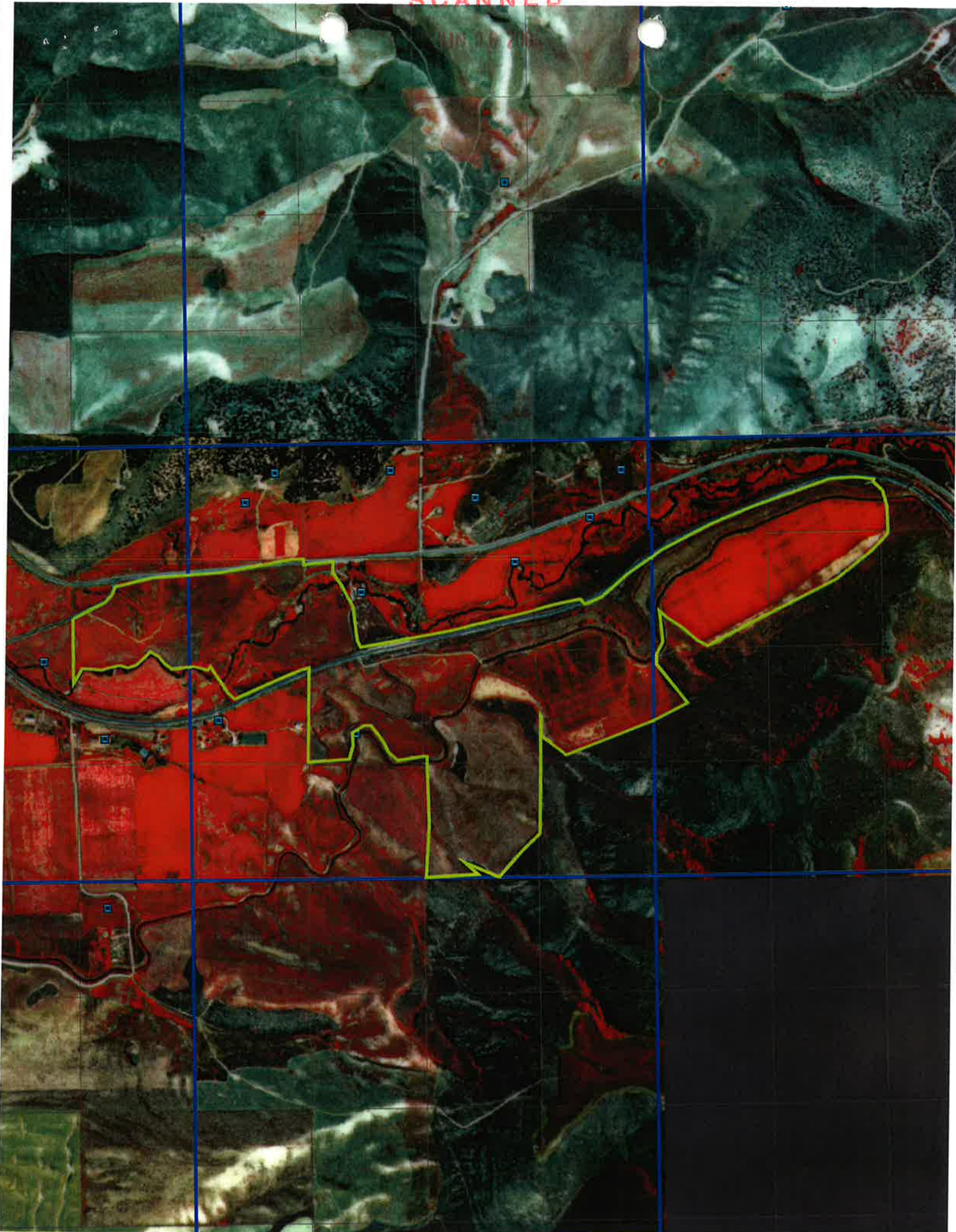
Harold Jones is familiar with some of the history of the Cutler Ditch, and indicated that watermaster Arlin Olsen says the Cutler Ditch had severe leakage and water seldom made it as far down the ditch as this general area. Jones says the Cutler Ditch claims were filed by Roger Johnson and there is not actually a Cutler Ditch association to his knowledge. Jones also relates that Ken Andrus and his brother have inquired about a transfer of the Cutler Ditch rights which they have purchased or intend to purchase, Jones told them to wait until the AJ determines what the rights may actually be.

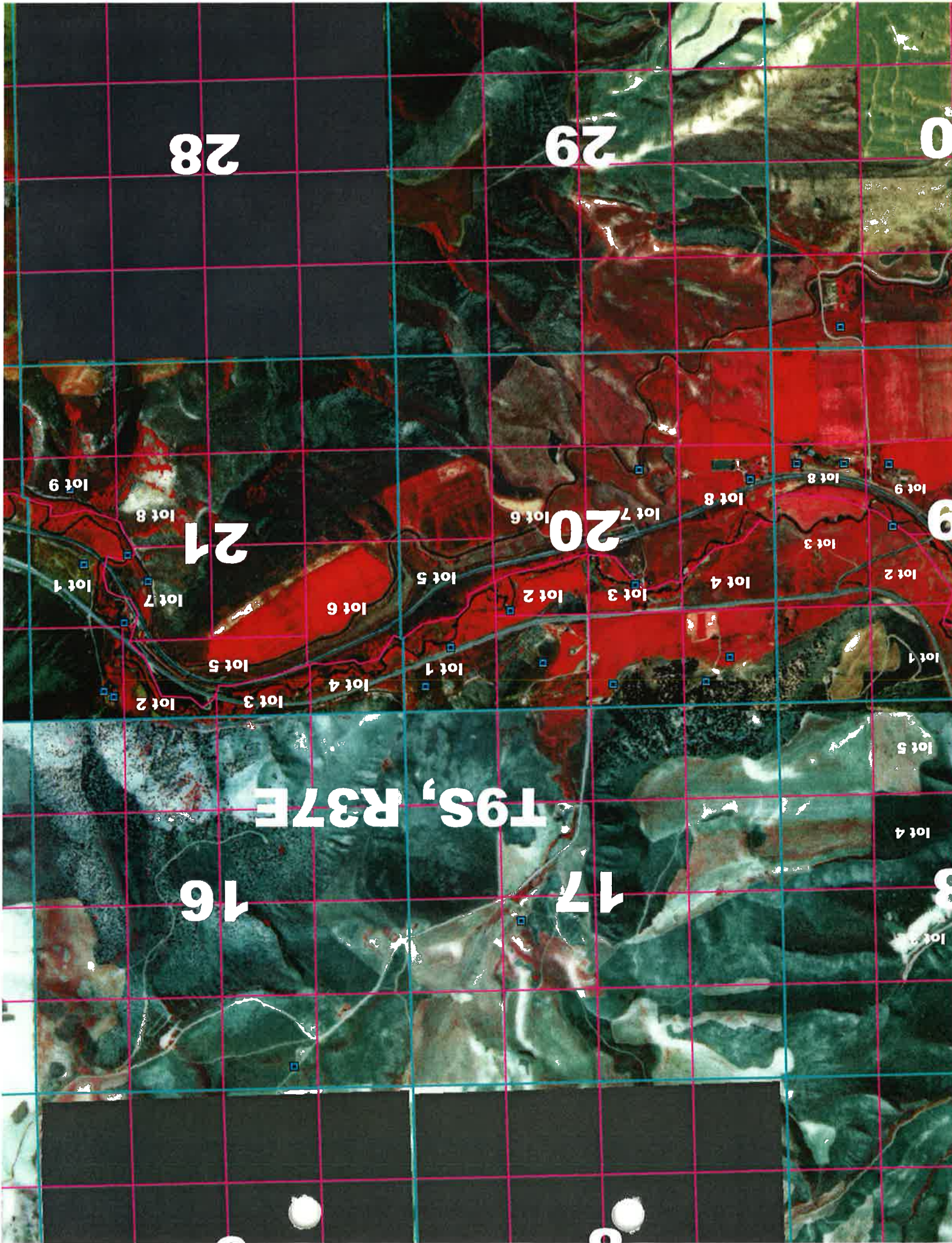
29-247
29-248

Q3: Ownership
Use

SCANNED

JUN 06 2004





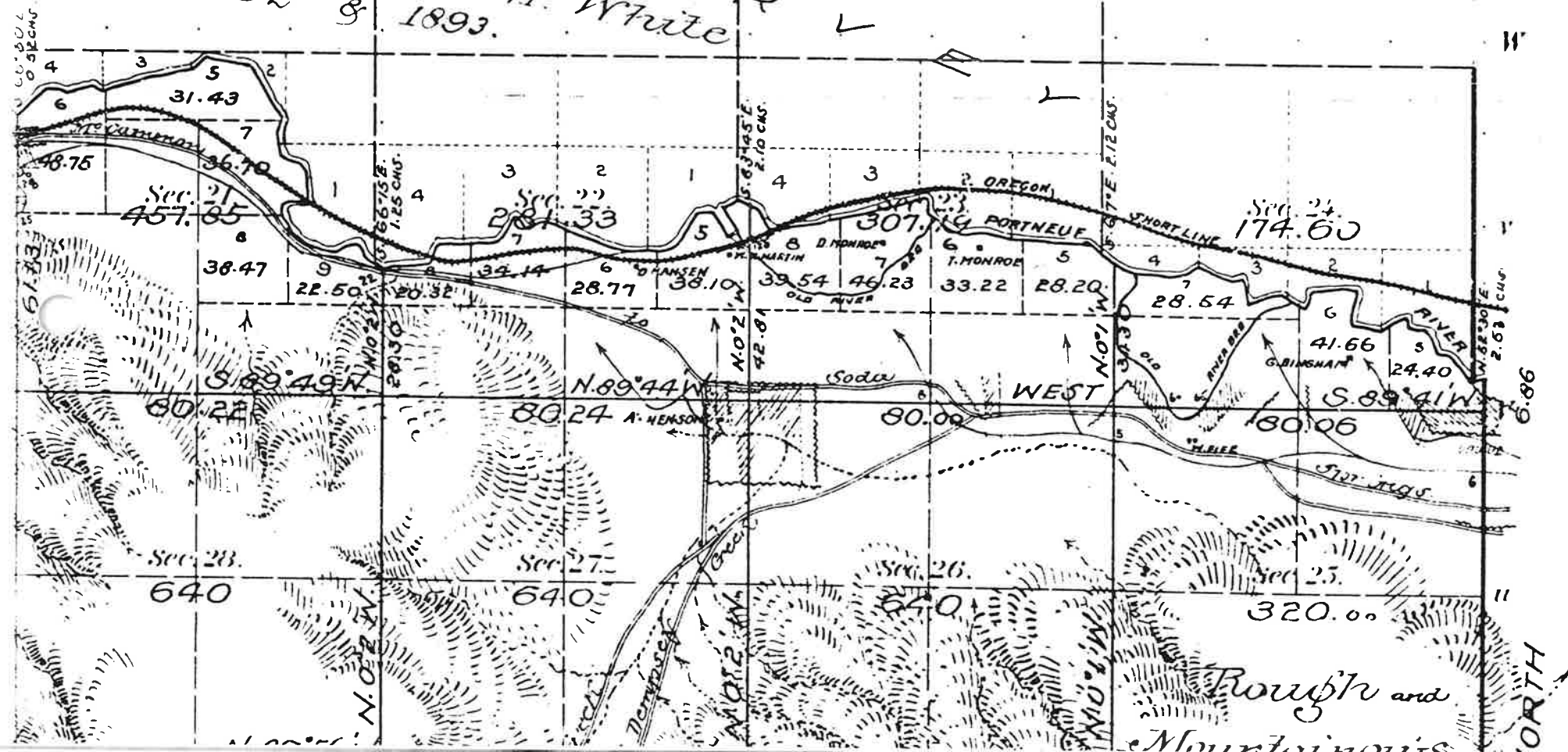
INDIAN

RESERVATION

Sec. 13.

1992

S U
H. M. White
1893.



FORT

HAILE

RESERVATION

Sec. 14.

Sec. 16.

Sec. 15.

W. C. Miller

and
A. M. White
1892 & 1893.

RIVER

A. RAYMOND

A. HENSON

Sec. 30.

Sec. 29.

Sec. 28.

Sec. 27.

639.84

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JUN 06 2001

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-13145
Date Received: 1/31/01
Receipt No: E026451
Received By: *Sac*

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

HARDCASTLE FAMILY TRUST Phone: (208) 852-2455

675 N 8TH EAST
PRESTON ID USA 83263

2. Date of Priority: 04/01/1955

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	37E	21	SE NE 1	BANNOCK	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	6.5	

7. Total Quantity Appropriated is:
6.5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	37E	19	SE NE	3	IRRIGATION	27
					Section Acres	27
09S	37E	20	SE NE	5	IRRIGATION	21

A2913145



SE	NW	3	IRRIGATION	3
SW	NW	4	IRRIGATION	25
SW	NW	7	IRRIGATION	45
NW	SE	6	IRRIGATION	48
NW	SW	8	IRRIGATION	15
NE	SE		IRRIGATION	32
SE	SE		IRRIGATION	0.5
SW	SE		IRRIGATION	35

Section Acres 224.5

09S 37E 21

NW	NE	5	IRRIGATION	17
SW	NW	6	IRRIGATION	37
SW	NE	7	IRRIGATION	0.1
SE	NW		IRRIGATION	18
NW	SW		IRRIGATION	3.3

Section Acres 75.4

Total Acres 326.9

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

THIS IS CLAIMED AS BENEFICIAL USE BASED ON AFFIDAVIT OF ERVIN GILBERT IN CLAIM 29-4157 AND ON AERIAL PHOTO INDICATING FULL IRRIGATION OF PLACE OF USE.

IF DOCUMENTATION DOES NOT SUPPORT CLAIMED PRIORITY DATE, THIS RIGHT IS CLAIMED AS AN ENLARGEMENT OF 29-200, 29-4159, AND CLAIMANTS PORTION OF 29-4157. THIS IS BASED ON AERIAL PHOTO.

WATER IS DIVERTED TO DITCH. ON WEST END OF PROPERTY, GRAVITY PIPELINE CONVEYS WATER UNDER THE RIVER AND RAILROAD TO THE PLACES OF USE ON THE NORTHWEST OF THE PROPERTY.

15. Basis of Claim: Beneficial Use

No evidence of Rt.

200 Bannock to City of Malheur (29-13224) - Nothing to Enlarge!

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: One aerial photograph.

For Organizations:

I do solemnly swear or affirm that we are Trustees of Hardcastle Family Trust, that we have signed the foregoing document in the space below as Trustees of Hardcastle Family Trust and that the statements contained in the foregoing document are true and correct.

Alice B. Hardcastle
Signature of Authorized Agent

Trustee, Hardcastle Family Trust

Date

Alice B. Hardcastle
Signature of Authorized Agent

Trustee, Hardcastle Family Trust

1-31-01
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 31 day
of Jan 2001

Bryce A. Contor
Notary Public

Residing at Mud Lake ID

My commission Expires 10/14/05

