

MEMORANDUM

Date: July 10, 2003
To: Transfer 70583
From: kwilson
Re: Comment/Analysis

Transfer 70583, filed by Hardcastle Family LLC, C/O A. Leon Hardcastle, proposes to add a second well to the irrigation system to bring the system up to capacity of the license. The place of use and the point of diversion are located in the Bear River Management District, approximately four miles north of Ovid, 1/2 mile north of Bern Idaho, and five miles west of Montpelier, Idaho.

According to the field examiners notes the system consisted of " 8" discharge to east into open ditch and ponds. Relift pump is trailer mounted ... centrifugal pump that is moved from pond to pond and pumps into buried mainline and laterals" ... "a spring and a flowing (uncontrolled well Permit 11-2124) in the NESE 26, that co-mingle with the water from this well and is collected in the above mentioned ponds."

Note: Permit 11-2124 is now relinquished

Authority to File:

Applicant has provided warranty deed for documentation of ownership of the place of use under this water right. The warranty deed conveys ownership from A. Leon Hardcastle Family Limited Partnership to Hardcastle Family LLC. The Secretary of State lists both A. Leon Hardcastle Family Limited Partnership and Hardcastle Family LLC, as business entities currently registered with the state, both with A. Leon Hardcastle as manager. A. Leon Hardcastle would be able to sign for either A. Leon Hardcastle Family Limited Partnership or Hardcastle Family LLC.

Water Right Validity:

Right involved is based on an active license. Irrigation of a majority of the place of use is evidenced on a USGS aerial photo dated Sept 7, 2000, for Bern, Idaho, found at www.terraserver-usa.com. Therefore, forfeiture does not appear to be an issue.

Injury to Other Water Rights:

This transfer as proposed does not change the actual place of use only the legal description. The transfer proposes to add a point of diversion to an existing water right. Diversions will occur in the same general area before and after this transfer. It should be noted that this water right is located in an area that has been in a moratorium area for a number of years and is now in the Bear River Management Area.

Enlargement of Use:

At a diversion rate of less than 1/2 miners inch per acre there is the question of beneficial use ($1.16 \text{ cfs}/247 \text{ acres} = 0.00469 \text{ cfs/ac} = 0.234 \text{ miners inch/acre}$). A statutory claim (11-4232) is also appurtenant to the place of use, and would explain the low diversion. License 11-2149 would therefore be a supplemental water right. The volume of 741 afa allowed on license 11-2149 is excessive. To divert a volume of 741.0 af at 1.16 cfs would take 322.1 days, well outside a normal irrigation season. The licensed irrigation season (04/15 - 10/15) is for 184 days, and would allow 1.16 cfs to divert 423.4 afa ($1.16 \text{ cfs} \times 184 \text{ days} \times 1.9835 = 423.4 \text{ afa}$). (The irrigation season for this area is 04/15 to 10/31 or 200 days.) Recommend reduction of the total diversion to 423.4 afa.

Local Public Interest:

The license allows for a diversion rate of 1.16 cfs (520.6 gpm). Due to the drought conditions for the past several years there may be objections to adding a new well in a management area. As long as the diversion rate is not exceeded there should be no negative impacts.

Beneficial Use/Conservation of Water Resources:

The description of the system indicates that the system will utilize sprinklers that should maintain an efficient use of the water.

There appears to be no inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 10583

RECEIVED

APR 25 2003

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources
Eastern RegionName of applicant Hardcastle Family LLC
% A. Leon HardcastlePhone (208) 852-2455Post Office address 675 W 8th E, Preston ID 83263

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Correcting Legal for Pou
- 2: Describe the reason for the proposed changes Old well cannot deliver all of water right

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>11-2149</u>	<u>12/16/1966</u>	<u>1.16 cfs</u>	<u>IRRIGATION</u>	<u>4/15</u> to <u>10/15</u>
				to
				to
				to

2. Total amount of water being transferred 1.16 cfs cubic feet per second and/or _____ acre-feet per annum.3. Source of water GROUND WATER tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	25	12S	43E	Bear Lake	OLD WELL
		NE	SE	26	12S	43E	Bear Lake	NEW WELL (EXISTING)

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
12S	43E	23																1.8	1.8
		24											10.6						10.6
		25						39	39		39	39.4	7.1	22.5		29	2.7		212.7
		26	6.6			9.2									5.4			6.7	21.9

Total acres 247

PART 1

6. General Information:

a. Description of diversion system well pump mainline to laterals with sprinklers.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:

No change in the actual place of use (CORRECTION OR LEGAL)

d. Remarks:

License 11-2149 indicates irrigation in SWSE Sec 24; however, the
map with the License indicates irrigation in the SWSW Sec 24,
T12S, R43E

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

Page 3 of 6

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Transfer No. 70583
Receipt No. _____

Current Water Right No. 11-2149

Priority Date: 12/16/1966
Origin: Water Right
Basis: License
Status: Active

Source: GROUND WATER

Tributary to:

Beneficial Use	From To	Diversion Rate	Volume	Subuse Code
IRRIGATION	4/15 10/15	1.16 CFS	741.0 AFA	
Total Diversion		1.16 CFS	741.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWSW 12S 43E 25 BEAR LAKE

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S 43E 24															10.0		10.0
12S 43E 25						40.0	40.0		40.0	40.0	8.0	31.0		27.0			226.0
12S 43E 26	4.0			7.0													11.0

Total Acres: 247

Conditions/Remarks:

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances? NO

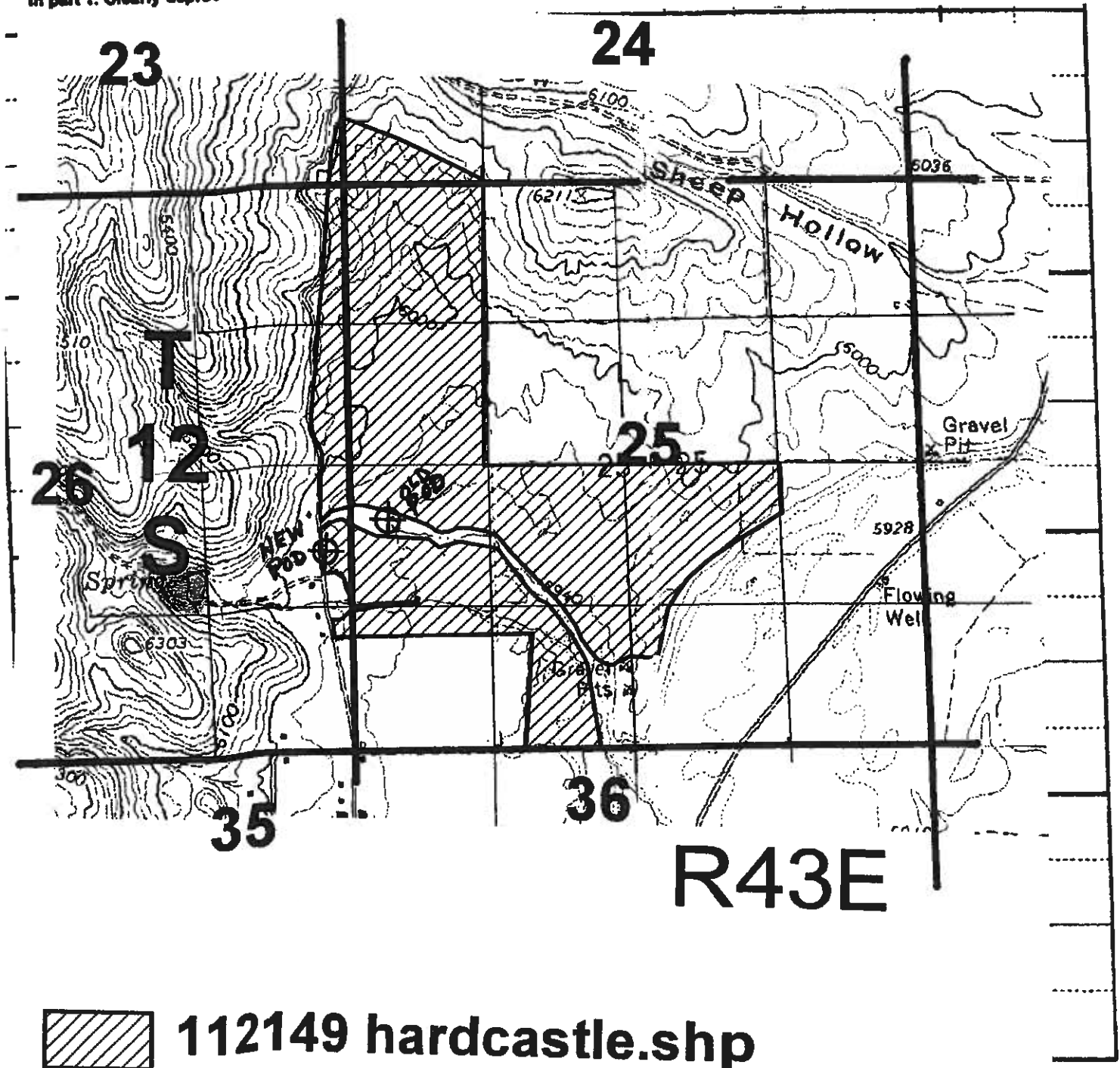
Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer No change in actual place of use (correcting Legal)

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? NO

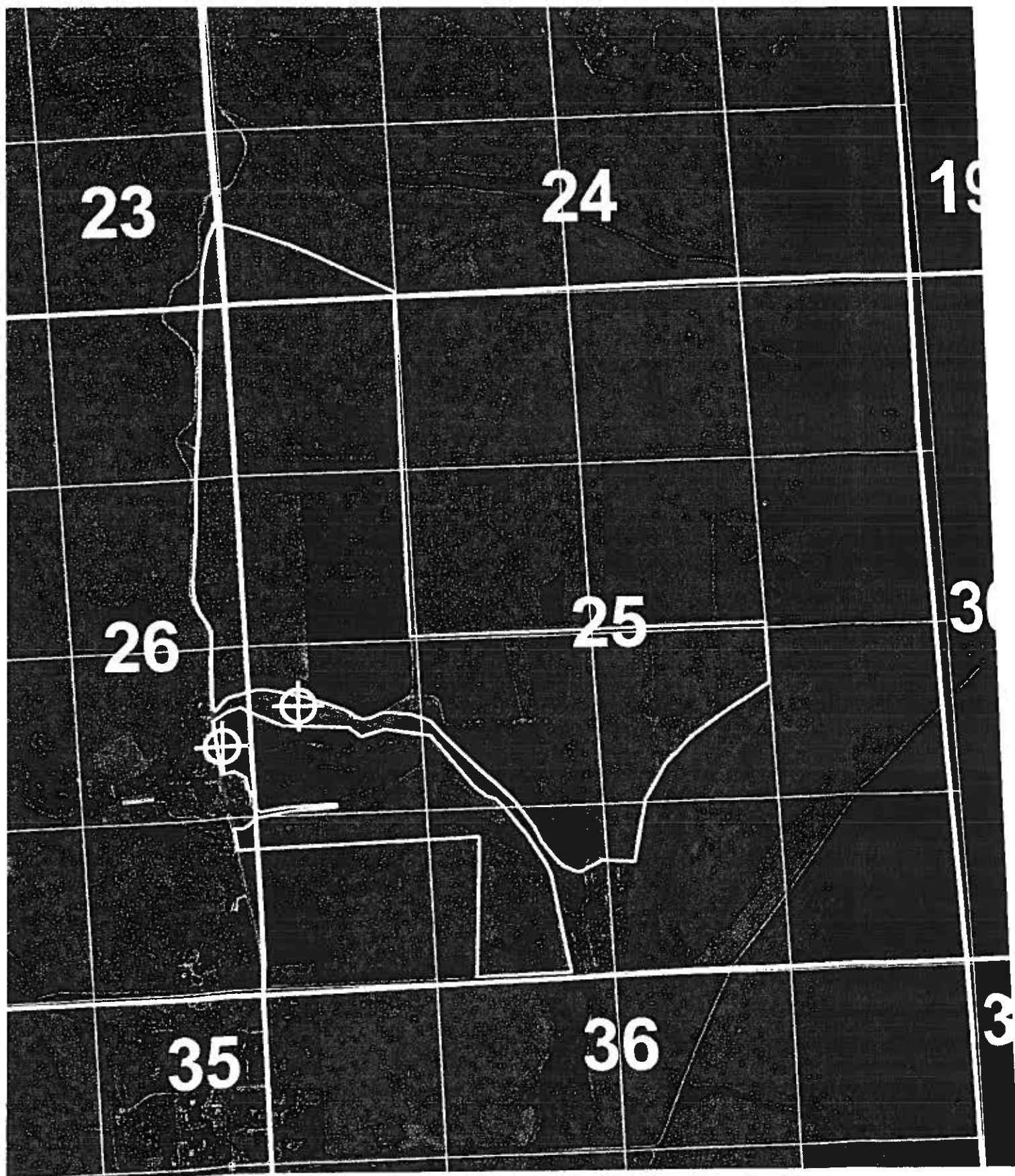
70583

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.



Sections.shp
T12s43e.shp
112149 hardcastle.shp

page 5 of 6

T70583

Page 6 of 6

Transfer No. 70583

PART 3

CHANGES IN NATURE OF USE

New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
			to
			to

2. Quantity and quality of return flows and location of discharge:

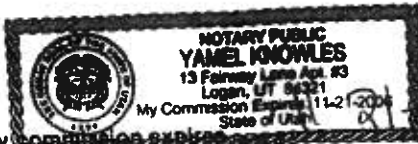
3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

A Leon Hardcastle
(Signature of Applicant)

Subscribed and sworn to before me this 23 day of April, 19 03.



Yamel Knowles
(Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 6 attachments

Received by KCW Date 4/25/2003 Protest filed by _____

Prelim. check by _____ Fee \$290.00 E028725

Received by Kaw Date 4/29/03

Published in News Examiner Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

Department of Water Resources

EXHIBIT "A"

175251

Parcel One:

Commencing at a point 12 feet North of the Southwest Corner of the Southeast Quarter of the Southwest Quarter of Section 25, Township 12 South, Range 43 East Boise Meridian, Idaho, thence East 292 feet; thence North 1043 feet; thence West 292 feet; thence South 1043 feet to the point of beginning.

Parcel Two:

Commencing 35 feet East and 12 feet North from the Northwest Corner of Section 36; and running thence North 11°15' West 1063 feet; thence East 1781 feet; thence South 1043 feet; thence West 1577 feet to the point of beginning, EXCEPTING: Commencing at a point 12 feet North of the Southwest Corner of the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section 25; thence East 292 feet; thence North 1043 feet; thence West 292 feet; thence South 1043 feet to the point of beginning. TOGETHER WITH a one-half (1/2) interest in a 6 inch cased well, located in the Northwest Quarter of Section 36, Township 12 South, Range 43 East Boise Meridian. ALSO EXCEPT: Commencing 33 feet more or less East and 24.75 feet more or less North, from the Southeast Corner of Section 26, Township 12 South, Range 43 East of the Boise Meridian, running thence North 132 feet; thence East 330 feet; thence South 132 feet; thence 330 feet to the place of beginning. The above parties accept the fence lines as they are now located with respect to the last described parcel or piece of land.

Parcel Three:

TOWNSHIP 12 SOUTH, RANGE 43 EAST BOISE MERIDIAN:

Parcel 1: Section 23: W1/2SE1/4; S1/2SW1/4; EXCEPTING: Beginning at the Northeast Corner of the SW1/4 of Section 23, and running thence South 830 feet; thence East 20³⁰ rods, more or less, to the North bank of "Sheep Corral Creek", thence East following the North bank of said creek to a point 950 feet due South of the NW Corner of the NE1/4 of the SE1/4 of Section 23; thence North 950 feet to the NW Corner of the SE1/4 of the SE1/4 of said Section 23; thence West 80 rods to the point of beginning.

Parcel 2: Section 26: NW1/4NE1/4; NE1/4NW1/4; and NW1/4NW1/4.

Parcel 3: Section 26: ALSO: Commencing at the SW Corner of the NE1/4 of the NE1/4 of Section 26; thence East 997 feet, more or less, to the County Road as now established; thence Northerly along said road, following the meandering thereof; to the NE Corner of the SE1/4 of the SE1/4 of Section 23; thence West 80 rods; thence South 160 rods to the point of beginning.

Parcel Four:

Bear Lake County, Idaho:

Township 12 South, Range 43 East of the Boise Meridian:

Section 14: W1/2SW1/4, SE1/4SW1/4, ALSO, Beginning at a point 1320 feet West from the Southeast corner of Section 14, and running thence North 380 feet; thence North 79°30' West 289 feet; thence North 48°30' West 535 feet; thence North 45° West 643 feet; thence North 71° West 203 feet; thence South 1320 feet; thence East 1320 feet, to the point of beginning.

Section 23: W1/2NE1/4, ALSO, Beginning at the Northwest corner of said Section 23, and running thence East 2640 feet; thence South 2640 feet; thence West 349.965 feet; thence North 45° West 3240.6 feet, more or less, to the West section line; thence North 349.965 feet, to the point of beginning.

Section 24: S1/2SW1/4, ALSO, the West 82.5 feet of the SW1/4SE1/4.

Section 25: W1/2NW1/4, N1/2SW1/4, SE1/4SW1/4, SE1/4. EXCEPT THEREFROM the following described tracts:

1. Beginning at a point 1753.62 feet West and 27.72 feet North from the Southeast corner of Section 25, and running thence North 39°05' East 2014.32 feet; thence North 45°20' East 271.92 feet; thence South 89°20' West 1674.72 feet; thence South 34°40' West 568.92 feet; thence South 16°45' West 1349.70 feet; thence East 917.40 feet, to the point of beginning.

2. Beginning at a point 35 feet East and 12 feet North from the Southwest corner of Section 25, and running thence North 11°15' West 1063 feet; thence East 1781 feet; thence South 1043 feet; thence West 1577 feet, more or less, to the point of beginning.

3. Beginning at a point 990 feet East of the Southwest corner of the NE1/4 of Section 25, and running thence South 89° feet, more or less; thence North 89°20' East 1140 feet, more or less, to County Road; thence Northeasterly along County Road 400 feet, more or less, to East boundary of Section 25; thence North to the Northeast corner of SE1/4; thence West 1650 feet, to the point of beginning.

Section 26: S1/2NE1/4, N1/2SE1/4, ALSO, Beginning at the Northwest corner of the SE1/4SE1/4 of said Section 26, and running thence South 633.60 feet; thence East 1320 feet; thence North 633.60 feet; thence West 1320 feet, to the point of beginning.

ALSO, Beginning at the Southeast corner of the NE1/4NE1/4 of said Section 26, and running thence West 263 feet, more or less, to County Road; thence following the meandering of the County Road to the Northeast corner; thence South to the point of beginning.



**ARTICLES OF ORGANIZATION
LIMITED LIABILITY COMPANY**

00 APR -3 AM 9:09

STATE OF IOWA
FAMILY, LIFE & STATE

1. The name of the limited liability company is: HARDCASTLE FAMILY, LLC
2. The address of the initial registered office is: 675 North 8 East, Preston, ID 83263
(not a PO Box)
- and the name of the initial registered agent at that address is: A. Leon Hardcastle
- Signature of registered agent: A. Leon Hardcastle

3. Is management of the limited liability company vested in a manager or managers?
☒ Yes ☐ No (check appropriate box)

4. If management is vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is vested in the members, list the name(s) and address(es) of at least one initial member.

Name: _____

Address:

A. Leon Hardcastle

675 North 8 East
Preston, ID 83263

5. Signature of at least one person listed in #4 above:

~~INTERNAL SECURITY - R~~

04/04/2000 09:00
CR: 9200 CT: 95767 NH: 385735

1 @ 100.00 = 100.00 ORGAN LLC # 2

W11627

Revised ESD7

T 70583

ATTACHMENT 4 OF 6

No. W 11827 Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		Due no later than Apr 30, 2003 Annual Report Form 1. Filing of Report of Assets of Officers and Directors HARDCASTLE FAMILY, L.L.C 875 N 8 E PRESTON, ID 83263		2. Registered Agent and Office (NO PO BOX) A LEON HARDCASTLE 675 N 8 E PRESTON, ID 83263 3. New Registered Agent Signature													
4. Limited Liability Companies: Enter Names and Addresses of Managers.																	
<table border="1"> <thead> <tr> <th>Office held</th> <th>Name</th> <th>Street or P.O. Address</th> <th>City</th> <th>State</th> <th>Zip</th> </tr> </thead> <tbody> <tr> <td>Manager</td> <td>A Leon Hardcastle</td> <td>675 N 8 E</td> <td>Preston</td> <td>Id</td> <td>83263</td> </tr> </tbody> </table>						Office held	Name	Street or P.O. Address	City	State	Zip	Manager	A Leon Hardcastle	675 N 8 E	Preston	Id	83263
Office held	Name	Street or P.O. Address	City	State	Zip												
Manager	A Leon Hardcastle	675 N 8 E	Preston	Id	83263												
5. Organized Under the Laws of: IDAHO W 11827		6. Signature <u>A Leon Hardcastle</u> Date <u>Feb 13-02</u> Name <u>A Leon Hardcastle</u> Title <u>Manager</u>															
Issued 02/03/2003		Do Not Tape or Staple															

201

T 70583
 ATTACHMENT 5 OF 6

Exhibit A continued

175251

ALSO, Beginning at a point North 9°11' West 708.18 feet from the Southeast corner of Section 26, thence West 1216.38 feet; thence North 633.60 feet; thence East 924.0 feet; thence South 132 feet; thence East 97.02 feet; thence South 66 feet; thence North 83° East 125.40 feet; thence South 10°30' East 435.60 feet, to the point of beginning.

EXCEPT THEREFROM the following described tracts:

1. Beginning at a point North 10°15' West 1383.36 feet from the Southeast corner of Section 26, and running thence South 83° West 151.80 feet; thence North 9° West 559.02 feet; thence North 71°40' East 225.72 feet; thence South 9° East 577.50 feet, to the point of beginning.

2. Beginning at a point 2111 feet North 10°15' West from the Southeast corner of Section 26, and running thence North 10°15' West 175 feet; thence South 71°40' West 100 feet; thence South 10°15' East 175 feet; thence North 71°40' East 100 feet, to the point of beginning.

Section 27: W1/2NE1/4, SE1/4NE1/4, W1/2, N1/2SE1/4.

Section 34: E1/2NW1/4.

Township 13 South, Range 43 East of the Boise Meridian:

Section 24: Lots 3,4,5 and 6, W1/2SE1/4.

Township 12 South, Range 44 East of the Boise Meridian:

Section 31: Beginning at a point 1352 feet West of the Southeast corner of said Section 31, and running thence East along Section line 1352 feet; thence North 1605 feet; thence West 445 feet to a point on river bank; thence following the meanderings of river bank upstream to the point of beginning.

22442

CERTIFICATE OF LIMITED PARTNERSHIP

RECEIVED
 SEC. OF STATE
 To the Secretary of State of Idaho
 Statehouse, Boise, Idaho 83720



34 APR 22 AM 9 00

34 APR 7 AM 8 41

1. The name of the limited partnership is: A. LEON HARDCASTLE FAMILY LIMITED PARTNERSHIP

2. The name and business address of the registered agent are:

A. Leon Hardcastle -- 997 Main Street, Bern ID 83220

(not a P.O. Box)

3. The name and business address of each general partner are:

Name

Address

A. Leon Hardcastle 997 Main Street, Bern, ID 83220

Alice B. Hardcastle 997 Main Street, Bern, ID 83220

(If more space is needed, continue in Item 5.)

4. The latest date on which the partnership will dissolve is: March 1, 2024

5. Other matters (optional):

6. Signatures of all general partners:

A. Leon Hardcastle

Alice B. Hardcastle

Secretary of State

19940407 0900 69948 2
 CK #1 904 CUST# 34567
 CORP 10 100.00= 100.00

1 C

CLP791

File in Duplicate Original

Fee: \$60

attachment
 T70583

March 20, 2002

Leon Hardcastle
675 N 8th E
Preston, ID 83263

RE: Water Right 11-2149

Dear Mr. Hardcastle:

Enclosed is a copy of water right license 11-2149 with a map of the place of use. You will need to review the map and license to determine if this is the place of use and all of the ground that you irrigate from your well.

To irrigate the land under 11-2149 from the well in the NE¼SE¼ Sec 26, T12S, R43E, you will need to file a transfer. For your convenience I have enclosed a copy of the transfer. You will need to complete the transfer (all items highlighted in yellow), sign the transfer in front of a notary and return the transfer to this office with the \$290.00 filing fee.

The transfer process takes some time to process, and for final approval. You will not be able to change your system until you have received an approved transfer.

Hopefully this information will be of assistance.

Sincerely,

Keith C. Wilson
Senior Resource Agent

Keith,

Enclosed is proof of
Ownership on Hardscastle Ranch
to transfer some existing water
right from one well to
another well.

Also, we need to know what
our water right is on the
Bear River. We have enclosed
a map with the property
circled & a description.

Thanks for your help.

RECEIVED

APR 15 2003

Department of Water Resources
Eastern Region

James Hardscastle

1075 Main St.

Bern ID 83220

(208) 847-2281

Leon Hardscastle
675 W. 8th E
Preston, ID. 83
852-2455

James Hardscastle
1075 Main
Bern ID 83220
847-2281

Rodney H Boehme
WVD# 121204
29 Feb 1980

T-1004

Pacificorp DBA UP & L
PRD# 153125
19 Sep 1991

T-5466
Rodney H Bodhrine
WDC# 121204
29 Feb 1960

Hardcastle Family, L.C.
WID# 173251
3 Apr 2000

T-1058

31

T-125, R 44E

32

39.10

39.8%

40.50

9

5

40.78

40.72

40:68

T-5404

Bear Lake County
WDA# 98030
7 Oct 1971

54

T-4139

T-4139

WVD# 136858
11 Feb 1985

T-3769

Pacificorp
WDA# 157974
8 Dec 1983
1-8214

15794
51883
514

—

Frank W Hirsch & Assoc. LTD
WDC# 47-477
30 July 1959
WDC# 118336
21 May 1978

May 1978

City of Mompeller
WD# 101604
31 July 1973

101604
y 1973

Gary L. McCallis
WD# 138408
20 Dec 1984

36408
-1984

Frank W Hirsch & Assoc. LTD
WDD# 47-477
30 July 1959
WDD# 118336
21 May 1979

110358
May 1979

T-2684

T-8057

Joseph Simmons



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 21, 2003

Hardcastle Family LLC
C/o A. Leon Hardcastle
675 W 8 E
Preston, ID 83263

Dear Mr. Hardcastle:

Enclosed is a copy of the transfer, and check number 2939 in the amount of \$290.00. You need to review the transfer, sign in front of a notary, and return to this office with the \$290.00 filing fee (You may return the filing fee using the same check.)

Also enclosed is a copy of the water right (11-1103) that is appurtenant to 74 acres in the SE¼ of Sec 31, T12S, R44E.

Processing of the application for transfer will begin as soon as possible upon receipt of the transfer and filing fee.

Your prompt response on or before April 28, 2003, will be appreciated.

Thank you,

Keith C. Wilson
Senior Resource Agent

	JAMES B. HARDCASTLE SHANNAN HARDCASTLE FARM AND RANCH 1075 MAIN ST. PH. 208-847-2281 BERN, ID 83220	6-94	2939
	Date <u>4/30/03</u> 92-112/1241 423		
PAY to the order of <u>Idaho Dept. Water Resources</u> \$ <u>290.00</u>			
<u>Two hundred ninety & 00/100</u> Dollars			
ZIONS BANK® Zions First National Bank Montpelier Office 902 Washington Street Montpelier, Idaho 83254 www.zionsbank.com			

11 11 1

Memo

TO: Hardcastle Family LC Transfer 11-2149

4/29/2003

FROM: Keith C. Wilson – Eastern

RE: Time line of events

02/07/2003 Leon & James Hardcastle in office to file transfer to add a P/D to water right
Informed them that needed to provide proof of ownership. Sent them off with
partially completed transfer.

03/20/2003 Sent Revised copy of Transfer for review, completion, notarized signature & fee.

04/11/2003 Voice mail from James Hardcastle

04/14/2003 Returned phone call to James Hardcastle. Told him that we needed completed
transfer, proof of ownership, and fee.

04/15/2003 Received a letter with request for water rights on SE ¼ Sec 31, T12S, R44E,
Check #2939 for \$290.00 & warranty deed, but NO transfer.

04/21/2003 Phone call to James Hardcastle. I told him that I was sending a letter, a copy of
transfer for notarized signature, and returning the fee. Requested response on
or before April 28, 2003.

4/25/2003 Completed transfer & filing fee received. (I was out of the office)

4/28/2003 Sick Leave

4/29/2003 Receipted filing fee (E028725)



Keith C. Wilson
Senior Resource Agent

SCANNED

JUN 27 2003

T70583



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 30, 2003

HARDCASTLE FAMILY LLC
675 N 8TH E
PRESTON ID 83263

RE: Application for Transfer No 70583
Water Right No(s) 11-2149

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right transfer application. Please refer to the above referenced transfer number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the News Examiner on August 6 and 13, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,


W. Roger Warner
Water Right Supervisor

WRW:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 30, 2003

Legal Notice Department
NEWS-EXAMINER
PO BOX 278
MONTPELIER ID 83254

RE: Transfer No. 70583
Water Right No(s). 11-2149

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice 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 August 25, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*mailed
7/30/03
sc*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 70583

HARDCASTLE FAMILY LLC, 675 N 8TH E, PRESTON ID 83263, has filed Application No. 70583 for changes to the following water rights within BEAR LAKE County:

Right No. 11-2149

Priority 12/16/1966

Source GROUND WATER

Use IRRIGATION (247 acres) 1.16 CFS 741.0 AFA

Total Amount 1.16 CFS 741.0 AFA

Point(s) of Diversion S25 T12S R43E

Place of Use S24 T12S R43E
S25 T12S R43E
S26 T12S R43E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant proposes to add a point of diversion in the NESE Sec 26 T12 S R43E, to bring diversion rate up to the licensed amount and to correct the place of use within Sec 23. 24. 25 and 26 T12S R43E for 247 acres.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before August 25, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on August 6 and 13, 2003

No 6772

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Bear Lake

ss.

Rosa S. Medema
being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

August 6, 2003, and ending
with the issue of August 13, 2003

Rosa S. Medema

Fees, 83.00

Subscribed and sworn to before me this 27th day

of August 13, 2003

Sherry Weir
Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 28, 2003

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KARL J DREHER,
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PUBL Publish Aug 6 and 13, 2003 — E D
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SEP 04 2003

Department of Water Resources
Eastern Region