

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 41613
Permit No. G- 33399
District No.

1. Name of Applicant: Anthon Kunz
Postoffice address: Bern County: Bear Lake State: Idaho
2. Quantity of water claimed:
(a) Rate of withdrawal in cubic feet per second 2.0 or Idaho
Miners' inches or gallons per minute
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the NE 1/4 of the SE 1/4 of Section 26
Twp. 12 S , Rge. 43 E , B.M., County of Bear Lake
5. Water is to be used for: irrigation
6. If for municipal, industrial or recreational purposes, give:
(a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.
(b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.
7. Kind of works: well and pump
8. Estimated cost of works: \$ 4,500.00
9. (a) Is reservoir to be used? no
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is
years. 5
11. If applicant is a corporation, give:
1. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
11. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
(a) 2.0 (cubic feet per second, ~~inches or gallons per minute~~) of the water herein applied for is to be supplied to the existing water rights.
(b) (cubic feet per second, inches or gallons per minute) is for new lands.
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Aspen Springs 1.2 c.f.s.; Permit G-29977

Address all communications to:

P. O.

APPLICATION FOR PERMIT

TO APPROPRIATE THE SUBTERRANEAN WATERS OF THE STATE OF IDAHO

Application No. G

41613

Permit No. G

33399

Water District No.

RECEIVE
DEC 16 1966
9:20 A.
Department of Reclam.

1. Name of applicant: Anthony Kunz

Post office address Bern County Bear Lake State Idaho

2. Quantity of water claimed: 2.0 c.f.s.

3. Source of water supply: Subterranean

4. Location of point of diversion or well is in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 26

Twp. 12 S, Rge. 43 E, B.M., County of Bear Lake

5. Water is to be used for: irrigation

6. If for domestic, municipal, industrial or recreational purposes give:

(a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section

Twp., Rge., B.M.

(b) Waste water or sewage effluent is to be returned to

at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section, Twp., Rge., B.M.

7. Kind of Works: Well and Pump

8. Estimated cost of works: \$ 4500.00

9. (a) Is reservoir to be used? no

(b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is

5 years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation:

(b) Amount of capital stock \$ (c) Amount paid in: \$

(d) Names and addresses of directors:

33399

(Continued)

II. The financial resources of the applicant are: (a) Cash on hand: \$_____

(b) Treasury stock: _____ (c) Bonds to be issued: _____

(d) Other resources: _____

12. The land to be irrigated is described in the following tabulation:

(Give irrigable acreage in each 40-acre subdivision)

[illegible]

18. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Aspen Springs
1.2 c.f.s.; Permit No. G-29977

(a) 2.0 (Cubic feet per second, ~~and under certain parameters~~) of the water herein applied for is to be supplemental to the existing water rights.

(b) _____ (cubic feet per second, inches or gallons per minute) is for new lands.

33399

Remarks: This well was drilled in 1954 and has been used since that date. See the copy of the well log in the Bear Lake County Log Book.

BE IT KNOWN That the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Arthur T. King
Applicant
By _____ Agent

33399

Approval of State Reclamation Engineer 33399

The number of this permit is G. _____

JAN 10 1967

Recorded in Book 116 Page 33399 Approved _____

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed before _____

One-fifth of the work above specified to be completed on or before July 10, 1969

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made

on or before January 10, 1972

Witness my hand this 10th day of January 19 67

R. Keith Higgins
State Reclamation Engineer

IN TESTIMONY WHEREOF, We DON W. SAMUELSON, Governor of the State of Idaho,

and EDSON H. DEAL, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be

hereunto affixed, this 10th day of January, 19 67

Countersigned:

STATE OF IDAHO

By

Edson H. Deal
Secretary of State

By

Don Samuelson
Governor.

No. G. 33399

PERMIT

Date of first receipt at office of State
Reclamation Engineer

December 16, 1966 9:20 A.M.

Returned to applicant for correction

Corrected application received

Fees, \$ 5.25

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or Fraction

Thereof 25

33399

ACKNOWLEDGEMENT

Date: 16 Dec 1966

Re: Application No. _____

I hereby acknowledge that, even though I was assisted by employees of the Idaho State Department of Reclamation in the preparation of Application No. _____, all responsibility with regard to the accuracy and completeness of the information contained therein rests with me.

Signed: _____

Applicant

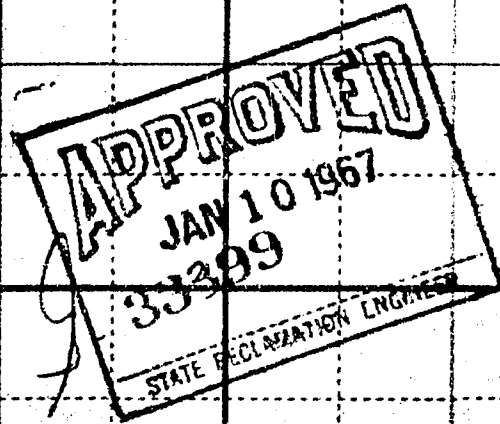
33399

MR-

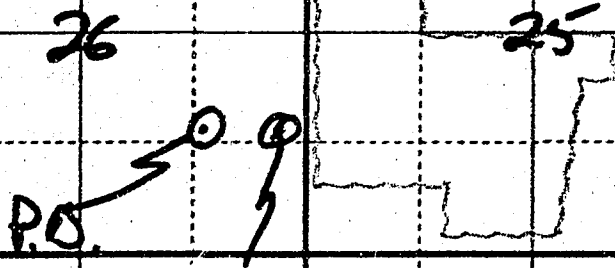
DWR

Anthony Kunz

Page 43 E.B.M.



Temp. B.S.



Permit G29977

January 19, 1966

Re: Permit No. G-33399

Anthon Kunz
Bern
Idaho

Dear Mr. Kunz:

We enclose Permit No. G-33399 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

XXXXXXXXXXXXXXXXXXXX
We also enclose Departmental Receipt No. G-11196 which was issued covering payment in the amount of \$ 5.25 for the filing fee of the above mentioned permit, was given to you at the time you were in our office.

Very truly yours,

Enc. permit,
MRB:ejw

H. RUSSELL BOSCH
Office Manager

33399

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) _____

(P. O.) _____

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published
at my expense in the Paris Post. of
Paris, Idaho Published in
the county in which the works are situated.

x Arthur King

(In case of canals or other works designed to divert and
carry more than 50 cubic feet of water per second, the following certificate
must be signed by a well known and competent engineer)

I hereby certify that the facts set forth in the attached
notice are true.

Engineer

33399

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that ~~XXXXXXXXXX~~, on the 17th day of March
19 67, at Montpelier, County of Bear Lake, State of Idaho
before Douglas Hendry, Notary Public, at (address) 1004
Washington Street, proof will be submitted of the completion
of works for the diversion of 2.0 cubic feet per second of underground water from a
well, and of the application to beneficial use of said water, in accordance with the
terms and conditions of Permit No. G-33399, heretofore issued by the Department of
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit
is Antho~~n~~ Kunz, Bern, Idaho
2. Said works of diversion will be fully completed on the date for such completion,
and the amount of water which said works are capable of conveying to the place of
use is 2.0 cubic feet per second.
3. The use to which said water has been applied is irrigation
, purposes and the amount applied to beneficial use is
2.0 cubic feet per second.
4. The point of diversion of said water is NE~~1~~SE~~1~~4, Sec. 26, T. 12 S.,
R. 43 E., B.M.
5. The place where said water is used is W~~1~~NW~~1~~4, SW~~1~~4, W~~1~~SE~~1~~4, Sec. 25,
T. 12 S., R. 43 E., B.M.
6. The date of priority which said user is prepared to establish is December 16, 1966

R. KEITH HIGGINSON

State Reclamation Engineer

33399

YUW

February 6, 1967

Re: Permit No. G-33399

Paris Post
Paris, Idaho 83261

Gentlemen:

Enclosed you will find a legal notice which we wish to have published for four consecutive weeks prior to March 17, 1967. The expense of the publication is to be paid by Anthon Kunz of Bern, Idaho, to whom you should furnish proof of publication on or prior to the above date.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the notice for checking at least one week prior to the first publication.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:nw

33399

February 6, 1967

Re: Permit No. **G-33399**

Antho[n] Kunz
Bern, Idaho

Dear Mr. Kunz:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. **G-33399**. The proofs are to be made ~~at~~ **9:00 o'clock**, on the **17th** day of **March**, 19 **67**, before **Douglas Hendry** **Montpellier, Idaho** Notary Public.

As of this date, we have mailed the Notice to the **Paris Post**, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the **AFFIDAVIT OF PUBLICATION**

Very truly yours,

MRB:nw

M. Russell Bosch
Office Manager

Encl.

P.S. As you will recall when you were in our office on December 16, 1966 and filed for another permit, you requested that as soon as the permit was approved we have it advertised so that you could make the proofs on it, and you signed a Form 11 authorizing us to have it advertised. We are therefore sending the legal notice to the paper. If this does not meet with your approval please let us know so we can stop the advertising.

33399

RECEIVED
MAR 21 1967

Department of Reclamation

March 20, 1967
Bern, Idaho

Mr. Russell Bosch
Dept. of Reclamation
107 State House
Boise, Idaho 83701

Dear Sir;

I find that I had overlooked your letter of February 6, 1967.

In regard to Notice of Completion of Works and Application of
Water to Beneficial Use under Permit No. G-23399. 33399

On March 15th I received Affidavit of Publication from the Paris
Post, of Notice of Completion of Works, I then went to my files and
found your letter. After reading this letter I realized I should
have notified you that I did not intend to prove up on well on Permit
No. 23399 at this time, as I have not yet completed the work necessary.
It will take me until about December, 1967 to do this work.

I realize that under these conditions, I am obligated to pay for
the present publication. This I will do. Should I keep this Affidavit
of Publication, I will notify you when I am ready for the final Notice
of Completion of Work.

Yours Sincerely,

Arthur Keen

33399

March 21, 1967

RE: Permit G-33391

Anthony King
Bern, Idaho

Dear Mr. King:

This is in reply to your letter of March 20, 1967. You may as well keep the affidavit if you do not intend to make proof on your wall at this time. When you are ready to make your final proof the permit will have to be re-advertised at that time.

Sorry this advertisement was made and the works were not completed which causes additional expense on your part.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ajw

33399

new

NOTICE OF PROOF OF
COMPLETION OF WORKS
and

APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that on the 17th day of March 1967, at Montpelier, County of Bear Lake, State of Idaho before Douglas Henrie, Notary Public at 1004 Washington Street, proof will be submitted of the completion of works for the diversion of 2.0 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-33399, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Anthon Kunz, Bern, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 2.0 cubic feet per second.

3. The use to which said water has been applied is irrigation, purposes and the amount applied to beneficial use is 2.0 cubic feet per second.

4. The point of diversion of said water is N $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, T. 12S., R. 48E., B.M.

5. The place where said water is used is W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, T. 12S., R. 43E., B.M.

6. The date of priority which said user is prepared to establish is December 18, 1936.

R. KEITH HIGGINSON
State Reclamation Engineer

—  —

*Here is the proof of
legal you requested.
33399
It will appear in
"The Paris Post" 4 weeks
Feb. 23.*

RECEIVED

FEB 15 1967

Department of Reclamation

October 19, 1970

Re: Permit No. G-33399 (New No. 11-2149)

Mr. Anthon Kunz
Bern,
Idaho 83220

Dear Mr. Kunz:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department; previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply them upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Order
Advertising package

11 2149

RECEIVED
OCT 25 1964

~~OCT 5 1970~~

Permit No. _____
Department of Water Administration
Administration authority _____

Permit No. _____
Department of Water Administration
Administration authority _____

Permit No. _____
Department of Water Administration
Administration authority _____

Permit No. _____
Department of Water Administration
Administration authority _____

Permit No. _____
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Department of Water Administration
Administration authority _____

Permit No. _____
Department of Water Administration
Administration authority _____

Permit No. _____
Department of Water Administration
Administration authority _____

Permit No. _____
Department of Water Administration
Administration authority _____

Bern Idaho
(Address)

11 2149

November 4, 1970

Re: Permit No. G-33399/11-2149

The News-Examiner
P.O. Box 278
Montpelier, Idaho 83254

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing ample time for you to submit to us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact the Department of Water Administration immediately.

The expense of the publication is to be paid by Anthon Kunz, Bern, Idaho, to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG
Enc: legal notice

11 2149

November 4, 1970

Re: Permit No. G-33399/11-2149

Mr. Anthon Kunz
Bern,
Idaho 83220

Dear Mr. Kunz:

The legal notice for the above-referenced permit is being published in the
News-Examiner, Montpelier, Idaho on November 19
and November 26, 1970.

You will be required to submit an affidavit of publication to this department.
The affidavit may be obtained from the above-mentioned newspaper upon payment of
the bill of publication.

Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

11 2149

March 26, 1971

Re: Permit No. G-33399/11-2149

Mr. Anthon Kunz
Bern,
Idaho 83220

Dear Mr. Kunz:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit. Please forgive our timely delay in acknowledging the affidavit; the affidavit was inadvertently misplaced and has just been brought to our attention. We hope we have not caused any inconvenience to you.

Since proof of beneficial use of water is not required until January 10, 1972, the Department will notify you sixty days in advance of the above mentioned date. We wish to advise you, however, that if you have fulfilled the requirements under this permit, you may submit proof at any time prior to the above date.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

11 2149

October 29, 1971 CERTIFIED MAIL #23115

Re: Permit No. G-33399/11-2149

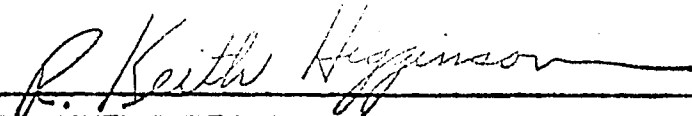
Anthon Kunz
Bern,
Idaho 83220

Dear Mr. Kunz:

One of the conditions of approval of your water Permit No. G-33399/11-2149 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before January 10, 1972. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

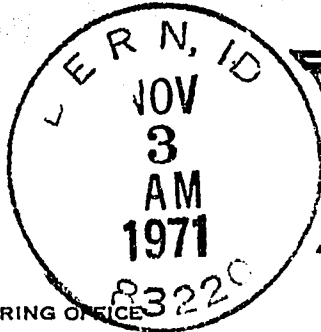
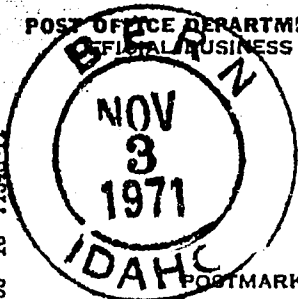
Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.


R. KEITH HIGGINSON
Director

Enc: Proof affidavit
dr

11 2149

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

POSTMARK OF DELIVERING OFFICE

Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Moisten gummed ends and attach this card to back of article.

RETURN
TO

11 2149

DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

POD Form 3811 Apr. 1969 C55-16-71548-11

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.

☐ Show to whom, date and address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

23115

1

Orthon Kury

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Rosine Kury

DATE DELIVERED

3

SHOW WHERE DELIVERED (only if requested)

11 2149

45-10-71648-11 347-198 GPO

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Identification No. _____

Permit No. _____

RECEIVED

NOV 16 1971

Department of Water Administration

1. a) Name of Permit Holder Anthony Kunz
b) Post Office Address Bern, Idaho
2. Permit Number G-33399
3. Date of Priority that you are prepared to establish August 15, 1954
4. a) Source from which water was appropriated Drilled Well
b) Location of the point of diversion: NW 1/4 SW 1/4, Section 25
Township 12 S, Range 43 E Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
amount 2.0 300 Ac. Ft. for Irrigation purposes from 5-1 to 9-30 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 2.0 cfs. 300 Ac. Ft. cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Water pumped through sprinkler system
4-1/4 mile lateral lines - 132 sprinkler heads discharging 7 gallons per minute each.

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 6" Submersible pump; 110 H.P. Natural gas Internal Combustion Engine; 12" casing (117'), 10" casing 80', Well depth 232'
b) Describe the type and size of measuring device which you have installed at your point of diversion: Circular pipe orifice will be installed before irrigation season of 1972
c) Give well drillers name and address and date the well was completed Driller - Frank Palmer, Blackfoot Idaho.
July 1, 1954

Exam Typed
12/14/71
CS.

11 2149

11 2149

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12S	44E	25						40	40		40	20				20			160

Total number of acres irrigated 160

10. Remarks: Irrigated by sprinkler system.

The above information is a true statement of the extent to which the above numbered permit has been developed.

(Date)

(Signature)

State of Idaho)
County of Beauregard) ss.

On this 9th day of November, 19 71, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at Montpelier, Idaho

My commission expires March 1, 1974

State of Idaho
Department of Water Administration
Boise, Idaho

Idaho

Nov. 11 1971

NOV 16 1971

Department of Water Administration

Dear Sir;

Enclosed find my completed application for water to beneficial use,
regarding water permit No. G 33399/ 11-2149 .

I hope that you can make examination of my proof within the next thirty
days.

If you could let me know the date when you will be here, I will arrange to
be here to go over it with the examiner, and would appreciate this very much.

Sincerely,

Arthur King

11 2149

November 29, 1971

Re: Permit No. G-33399/11-2149

C Mr. Anthon Kunz
Bern,
Idaho 83220

O Dear Mr. Kunz:

O We acknowledge receipt of your affidavit submitted as proof of beneficial use for the above referenced permit.

P Before a license can be issued, a field examination must be made by a representative from this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system. The examination will be made during the summer months or the irrigation season of your area.

Very truly yours,

Y BOBBY D. FLEENOR
Assistant Director

BDF:DR

11 2149

DEPARTMENT OF WATER ADMINISTRATION FIELD REPORT

1. Name of permit holder ANTHON KUNZ
 Post office address Bern, Idaho Phone _____
 Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
 (name spring, stream, etc.)
 Tributary to _____

3. Water will be used for the following purposes:

Amount 2.0 c.f.s. for irrigation
 _____ AF/Annum (nature of use)

Period of Use: from May 1 to Sept. 30
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 11-2149
 Examination for Beneficial use

4. Total amount to be appropriated:

Max Rate of Diversion 2.0 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 12S N/S, Range 43E E/W, B.M., Section 25, Subdivision NW 1/4 SW 1/4, Bear Lake
 County
 Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
 County
 Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
 County

Other Points of Diversions: _____

Description of diverting works: 6" submersible pump; 110 HP Natural gas internal combustion engine; 12" casing (117'), 10" casing 80'; well depth 232'

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12S	44E	25						40	40		40	20				20			160
12S	43E	25						40	40		40	40	(7 32)		27	(3)			229

11 2149

TOTAL ACREAGE 160 229

F-25a

1970 Flight

R 43E



11 2149

Formal G-33599 / 11-2199

1. 1971 Model 2200 Buick Wildcat 3.3 liter 4 cylinder engine
700 lbs. net weight 3.3 liter 4 cylinder engine

Driller - Frank Palmer

10000 Bern, Idaho

Blackfoot, Idaho

Lucinae # 13

7 location of well NW 1/4 SW 1/4, Sec. 25, T 12, 43 E

Bear Lake County

9 Water will be used for - irrigation. Total depth of well - 232 ft.

Size of Hole drilled = 12 in. up 10 in

13 Thickness of casing - 12 in. = $\frac{1}{4}$ in + 10 in. = 12 gauge

15 Casing Material - Metol

17 Diameter, length & Location of casing;

12. I.O. and 10 I.O. ID

117 ft of 12 in. casing. 80 ft. of 10 in. casing

2) Number & Size of Perforations:

— 12 in. casing $\frac{1}{4}$ in. x 8 in. 133 perforations

10 in. casing 4 1/2 in. x 8 in. 85 perforations

— 4.2 in. casing from 1 foot to 11.8 ft.

- 10 in casing from 118 to 198 ft.

27 Draw down - 12 feet.

29 Date of commencement of well - June 5, 1954

3/ Date of completion - July 1, 1954

3.3 Type of well Rig - Spudder.

35 Temperature - 43°

NW

~~SW~~ S.W

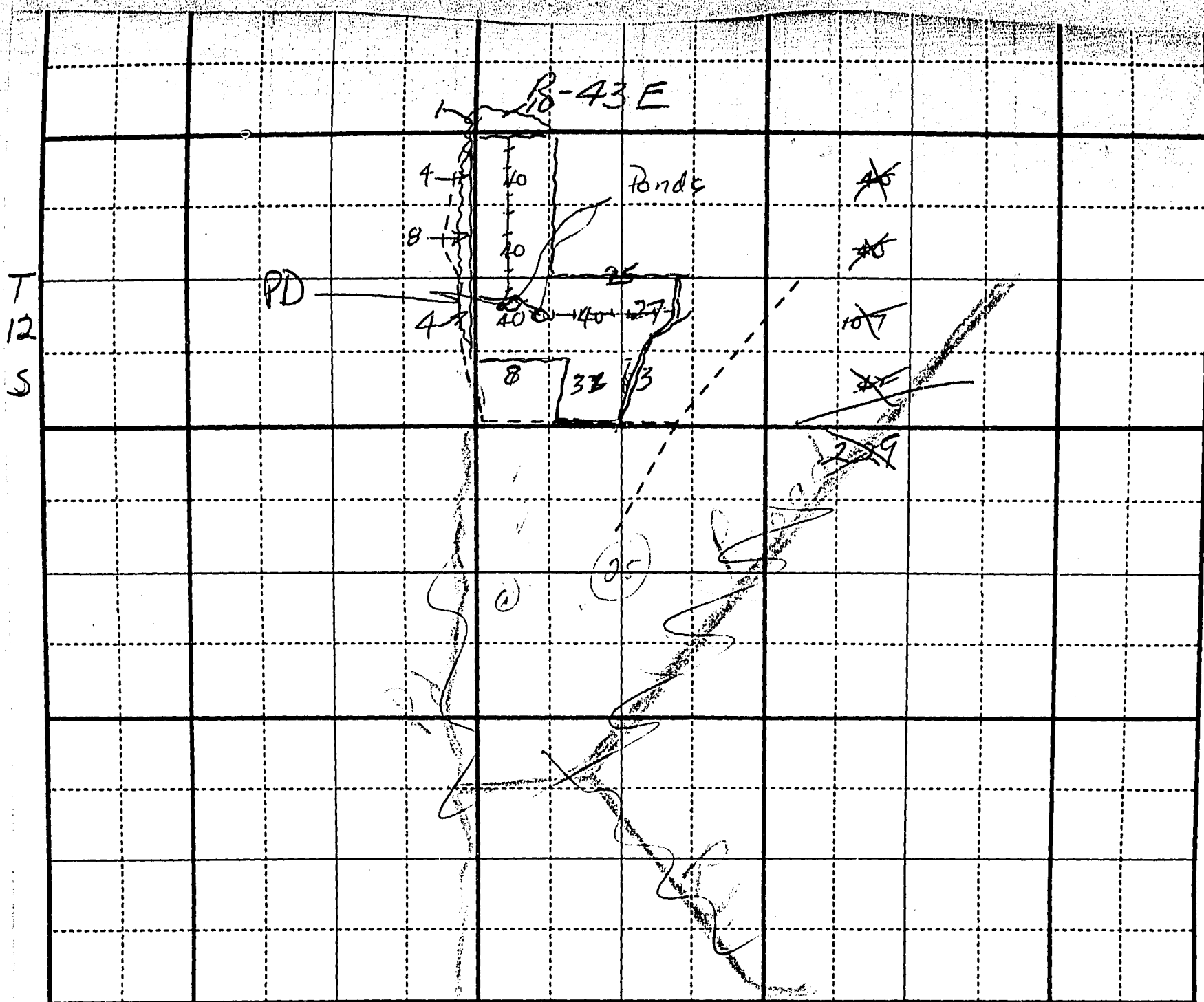


Diagram of System

TOTAL ACREAGE FOUND UNDER IRRIGATION WAS 256 ACRES.

TOTAL ACRES UNDER IRRIGATION WITHIN THE PERMIT AREA WAS 226 ACRES.

PERMIT ACREAGE IS 247.

RECOMMEND THAT AMENDMENT BE FILED TO ALLOW LICENSE TO BE ISSUED FOR 247 ACRES. (DRAFT ATTACHED)

RECOMMEND THAT REMAINING ACREAGE BE INCLUDED UNDER NEW PERMIT OR PERMIT #11-2124.

NCY

2/27/73

Acreage not included is specifically:

1 acre	SESE	Sec 23	} T12S R43E
1 acre	SENE	Sec 26	
4 acres	NESE	Sec 26	
3 acres	SWSE	Sec 25	

2149

DATE OF EXAM June 13, 1972

ACREAGE

Found 229 247

Recommended 229 247

Irrigation Requirement 3.0 Ac Ft/Ac

$A-F = 1.16 \times 183 \times 1.9835$

USE

Irrigation Q = 1.16 c.f.s. V = 481 AF/Ann. from April 15 to Oct 15

Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes ☒ no _____

Name source: Spring and Flowing Well (both in)
twp. 12 N/S, Rge 43 E/W, B.M., Sec. 26, Sub. NE 1/4 SE 1/4 BL County

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Total Q measured 1.16 cfs Method of measurement Coordinate Method

Total Q recommended 1.16 Meter No. _____ Type _____ Condition _____

Total V recommended 481 AF.

Recommended Amendments: Need to amend land list

P.D. _____
Place of Use see red figures page one. - See Note Below plat
Other map pcy
None _____

MEASUREMENT CALCULATION:

Coordinate Method - Horizontal pipe
 $C = 7\frac{1}{2}"$ pipe ID = $A = 328$ ft
 $B = 2\frac{1}{2}"$ Freeboard $\frac{3.14}{2} = 31\%$ Factor = .735
 $X = 14\frac{1}{2}" = 1.21$ ft = 4.81 V/ft. Sec. $4.81 \times 328 \times .735 = 1.16$ cfs
 $Y = 12"$

SYSTEM DESCRIPTION:

6 cyl. Chev Rebuilt Engine "96 484, Natural gas, for L-B Pump #26264
10 RL bowls (525 GPM @ 120' @ 1760 RPM) Amarillo Gear head # JRL
34043 - 1:2, 151 P @ 1760 RPM, 8" discharge to east into pond and
ponds. Re lift pump is trailer mounted and is a M-M gas engine with a direct
connection centrifugal pump that is moved from pond to pond and pumps
into buried main line and laterals

REMARKS:
Mr. Arthur Kunz along on inspection. Mr. Kunz has a spring located in NE SE
26, that co-mingled with the water from this well and is collected in the above
mentioned ponds. All water is reclaimed as described above.

Examiner's Signature Lynn Johnson Date 6/13/72

Checked by Norman C. Young P.E. Date 2/27/73

Approved by _____ Date _____

11 2149

April 11, 1973

Mr. Anthon Kunz
Bern,
Idaho 83220

Dear Mr. Kunz:

A representative of this Department has made an examination of the works covered by your Permit No. 33399/11-2149 and has found the following:

Quantity of water diverted: 1.16 cfs

Amount of water that can be recognized as beneficially used under
Idaho law: 1.16 cfs

The maximum quantity diverted shall not exceed 741 acre feet per year.

Beneficial use: Irrigation of 247 acres within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24;
W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25; E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 26; Twp. 12S, Rge.
43E, B. M.

Point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, Twp. 12S, Rge. 43E, B. M.

Priority date established: Dec. 16, 1966

The point of diversion and place of use found by our examiner differs from that listed under your permit, therefore, it will be necessary to amend the permit before a water license can be issued. We are enclosing a partially completed application for amendment for your use. Please sign the amendment application and return it to this office with a \$10.00 filing fee within 10 days of the date of this letter in order that we may issue your water license as set forth above.

If you have any questions regarding this matter, please contact us within the 10-day period.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Amendment form

11 2149

Filing Fee: \$10.00
Receipt # _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR AMENDMENT

RECEIVED
Regt # 10210
JUN 1 1973
#102
Department of Water Administration
Eastern District Office
C.W.

Permit No. 33399/11-2149

Comes now Anthony Kunz of (address) _____
Bern, Idaho, and represents to the Director of
the Idaho Department of Water Administration:

That he is the owner and holder of Permit to appropriate the Public Waters of the State
of Idaho No. 33399/11-2149, and requests that the permit and permit map be changed as
follows:

1. Point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, Twp. 12 S
Rge. 43 E, B. M., County of Bear Lake. Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

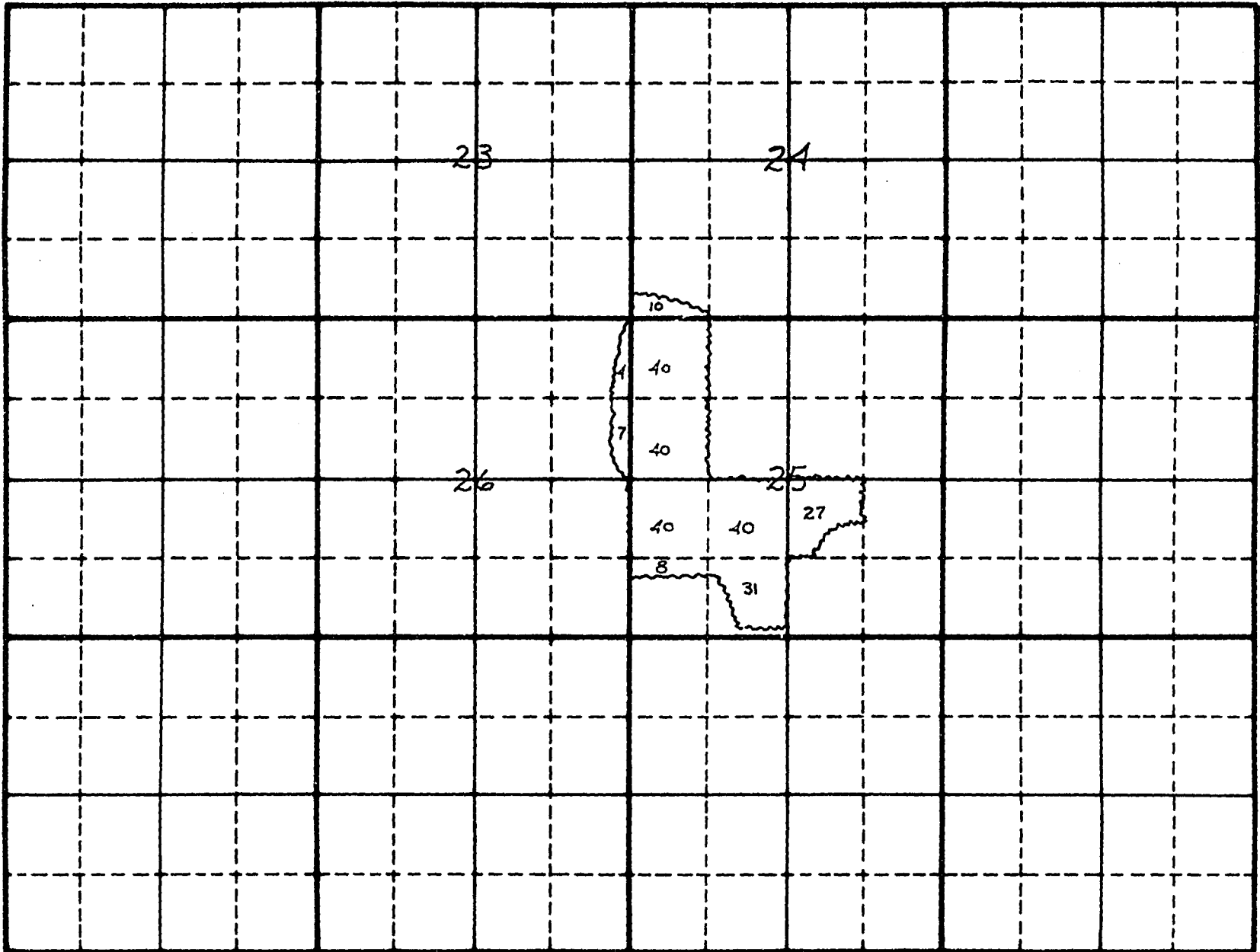
TWP	RANGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
12 S	43 E	24															10		10
		25						40	40		40	40	8	31		27			226
		26	4			7													11

Total number of acres to be irrigated 247

11 2149

11 2149

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at _____, this _____ day of _____, 19 ____.

Arthur King
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Department of Water Administration,
hereby approve the above application for amendment for Permit No. 33399/11-2149.

Witness my hand this 11th day of June, 19 73.

R. Keith Higgins
Director

C June 12, 1973

Re: License No. 33399/11-2149

O Mr. Anthon Kunz
Bern,
Idaho 83220

P Dear Mr. Kunz:

Enclosed please find a copy of the Water License issued on the above referenced permit.

We are also enclosing a copy of the approved amendment for same permit.

Y Sincerely,

Bobby D. Fleenor
Assistant Director

kss

Enclosures

11 2149

THE NEWS-EXAMINER
MONTPELIER, IDAHO

RECEIVED

DEC 11 1970

Department of Water Administration

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
County of Bear Lake,) ss.

W. Jerome Taylor

being first duly sworn, deposes and says
he is Publisher and Foreman of the
News-Examiner; that the said News-Examiner
is a weekly newspaper published at Montpelier,
County of Bear Lake, State of Idaho, of general
circulation in said County and State.

That the notice attached was published in
the said News-Examiner, and not in a
supplement, for two
successive weeks, commencing with the issue
dated November 19, 1970
and ending with the issue
dated November 26, 1970

W. Jerome Taylor
Publisher and Foreman.

**NOTICE OF EXISTING
WATER PERMIT**

Notice is hereby given that Anthon Kunz, Bern, Idaho, has received an approved Permit No. G-33399/11-2149 issued by the Idaho Department of Water Administration authorizing the diversion of 2.0 cubic feet per second of water from a ground water source. The priority to be established under this permit is December 16, 1966 and the permit was approved January 10, 1967.

Water is to be diverted by well and pump from a point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 26, T. 12S, R. 43E, B. M., Bear Lake County, to be used for irrigation in the W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 25, T. 12S, R. 43E, B. M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before January 10, 1972. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
Director, Idaho Department
of Water Administration
Statehouse, Boise, Idaho
Published in The News-Examiner,
Montpelier, Idaho, on November
19 and November 26, 1970.
(n19/26)

Subscribed and sworn to before me this 9th day of December, 1970

L. B. [Signature]
Notary Public.

11 2149

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-33399/11-2149)

in the name of ANTHON KUNZ

) ORDER MODIFYING REQUIREMENTS
) FOR COMPLETION OF PERMIT TO
) APPROPRIATE WATER
)

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

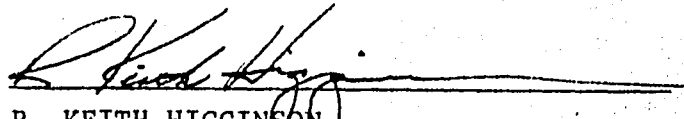
WHEREAS, on August 1, 1968, the Department of Water Administration adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. G-33399 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedure as follows:

1. The above numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.

Dated this 15th day of October, 1970.


R. KEITH HIGGINSON
Director

11 2149

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 33399/11-2149 Priority Dec. 16, 1966 Amount 1.16 cfs

THIS IS TO CERTIFY, that ANTHON KUNZ
of Bern, Idaho, has complied with the terms and conditions of Permit
No. 33399/11-2149 issued pursuant to Application for Permit dated December 16, 1966,
and has submitted proof to the Department of Water Administration on November 16, 1971,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 1.16 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 1.16 cfs for Irrigation from April 15 to Oct. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 1.16 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25, Twp. 12 S, Rge. 43 E, B.M.

in the county of Bear Lake; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 741 acre feet per year or _____
3.0 acre feet per acre.

Description and location of place of use:

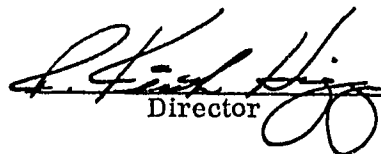
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
12 S	43 E	24															10		10
		25					40	40			40	40	31			27			226
		26	4			7													11

Total number of acres irrigated 247

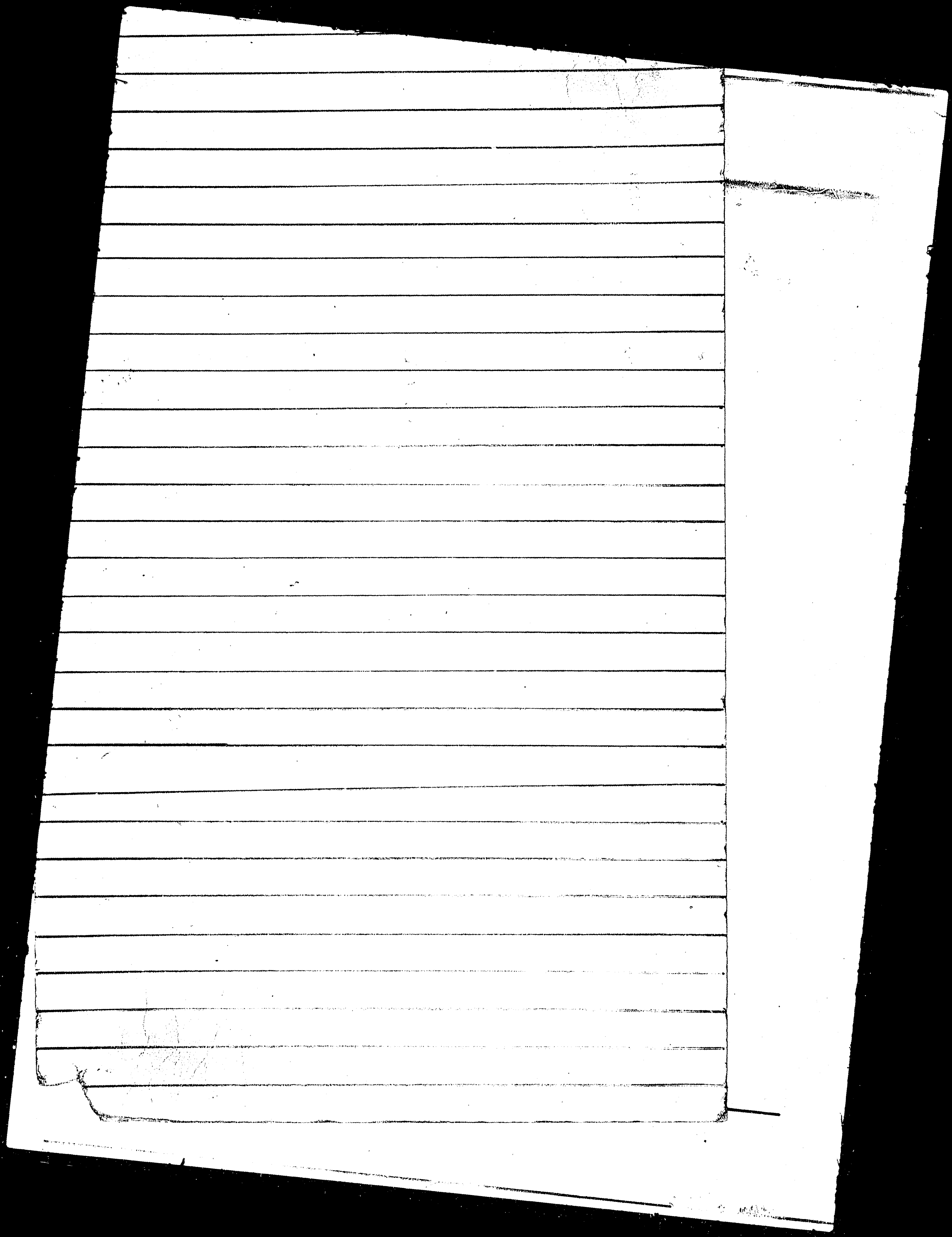
The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 11th day of

June, 19 73.


Director

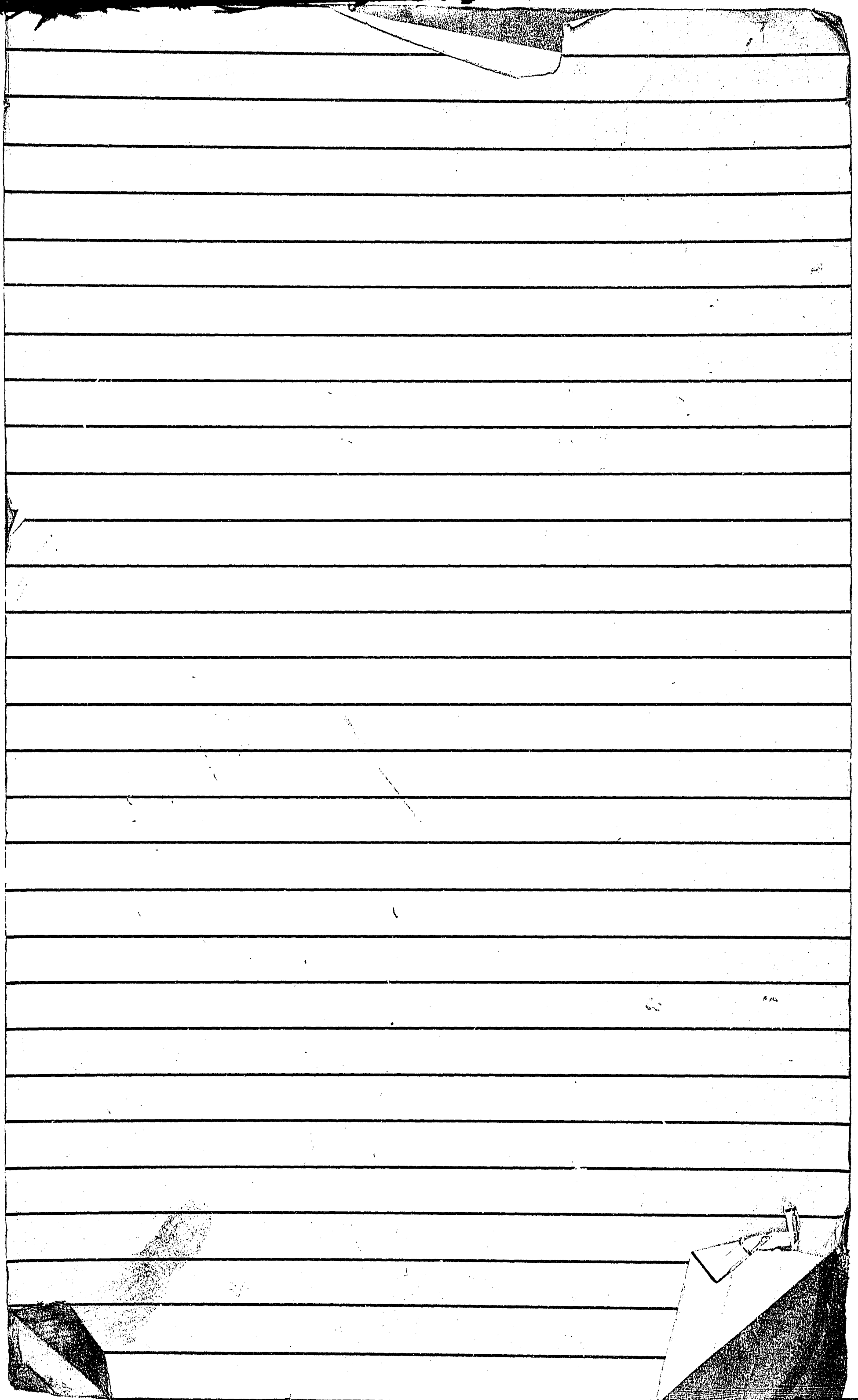
11 2149



State of Idaho
Department of Water Administration

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT



Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 70583

RECEIVED

RECEIVED

APR 25 2003

APPLICATION FOR TRANSFER OF WATER RIGHT

SEP 12 2003

PART 1

Department of Water Resources
Eastern RegionName of applicant Hardcastle Family LLC
% A. Leon Hardcastle

Department of Water Resources

Phone (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			0.7	21.9

JUN 27 2003

Total acres 247

T70583

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 affect 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 OF 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____.

SCANNED

JUN 27 2003

T-70583

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

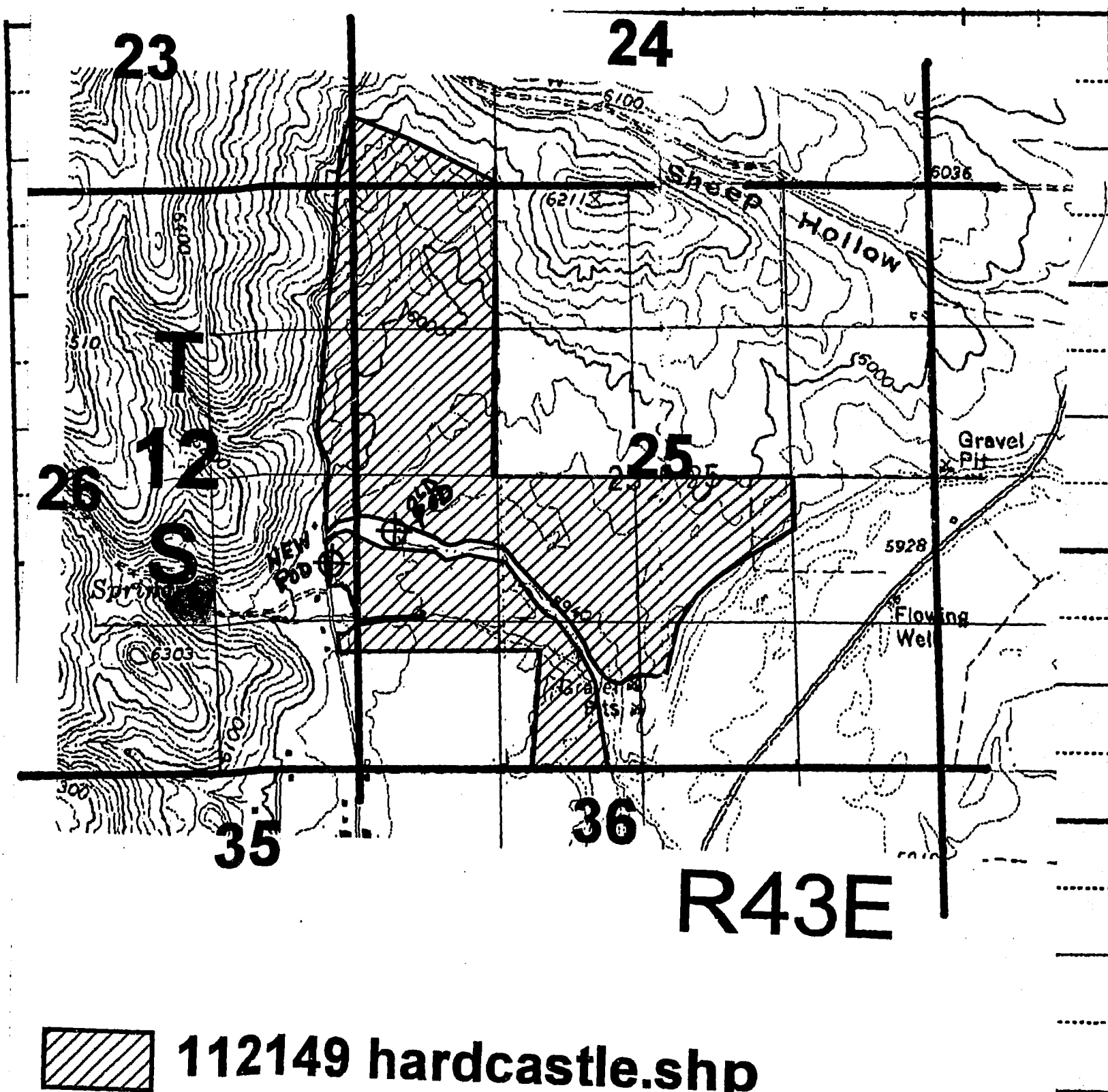
SCANNED

JUN 27 2003

T70583

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

- A. 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.

70583

SCANNED

JUN 27 2003



Sections.shp
T12s43e.shp
112149 hardcastle.shp

page 5 of 6

3/1/2000

10/1/2000

T70583

Page 16 of 16

Transfer No. 70583

PART 3

B. CHANGES IN NATURE OF USE

1	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:

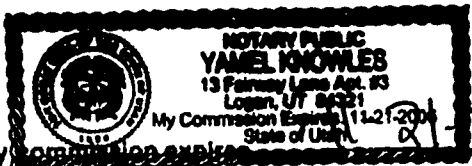
3. Describe effects on other water uses resulting from the proposed change:

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, 1903.



Yamiel 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 KCW 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 APU

Copy of transfer sent to lien holder _____

SCANNED

JUN 27 2003

T70583

When Recorded Mail To:
A. LEON HARDCASTLE
675 North 8 East
Preston, ID 83263

175251

INDEXED

STATE OF IDAHO	
County of Bear Lake	
Date	4-3-2000
Time	10:56am
Deputy	Colleen Kalse
Clerk	Joan P. Eborn
Fee	\$12.00

WARRANTY DEED

A. LEON HARDCASTLE FAMILY LIMITED PARTNERSHIP, grantor of Preston, Franklin County, State of Idaho, hereby WARRANTS AND CONVEYS all of its interest to HARDCASTLE FAMILY, L.C., grantee of 675 North 8 East, Preston, Idaho 83263, for the sum of \$10.00, and other valuable consideration, in the following described tract of land in Bear Lake County, State of Idaho:

See Exhibit "A", attached hereto and incorporated herein.

The Grantee has full power to sell, mortgage, or otherwise hypothecate the property described.

WITNESS the hand of said grantors, this day of 7 day of March, 2000

A. LEON HARDCASTLE FAMILY LIMITED PARTNERSHIP

By: A. Leon Hardcastle
A. LEON HARDCASTLE

STATE OF UTAH)
COUNTY OF UTAH) ss.

On the 7 day of March, 2000, personally appeared before me, A. LEON HARDCASTLE, General Manager, A. LEON HARDCASTLE FAMILY LIMITED PARTNERSHIP the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

Notary Public



ATTACHMENT

T 70583
1 OF 6

SCANNED

JUN 27 2003

RECEIVED

APR 15 2003

Department of Water Resources
Eastern Region

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 20³³⁰ 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.

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

y 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.

SCANNED

JUN 27 2003

T 70583
ATTACHMENT 2 OF 6

under Parcel four
Exception #2

DO NOT EXCEED

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.

2 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 890 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: S1/2N1/2, N1/2S1/2, 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.

SCANNED

JUN 27 2003

T 70583
ATTACHMENT 3 OF 6

251



ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

00 APR -3 AM 9:09

SECRETARY OF STATE
STATE OF IDAHO

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:

A. Leon Hardcastle

INNOVATIVE SECRETARY OF STATE

04/04/2003 09:00
CL: 9208 CT: 95707 MH: 305735

1 @ 100.00 = 100.00 ORGAN LLC # 2

W11627

SCANNED

JUN 27 2003

T 70583

ATTACHMENT 4 OF 6

No. W 11627	Due no later than Apr 30, 2003 Annual Report Form	2. Registered Agent and Office NO PO BOX
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080	HARDCASTLE FAMILY, L.L.C. 675 N 8 E PRESTON, ID 83263	A LEON HARDCASTLE 675 N 8 E PRESTON, ID 83263
NO FILING FEE IF RECEIVED BY DUE DATE		3. New Registered Agent Signature
4. Limited Liability Companies: Enter Names and Addresses of Managers.		
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 11627		6. Signature <i>A Leon Hardcastle</i> Date <i>Feb 13-02</i> Name <i>A Leon Hardcastle</i> Title <i>Manager</i>
Issued 02/03/2003		Do Not Tape or Staple 201

SCANNED

JUN 27 2003

T 70583
5 OF 16<http://www.accessidaho.org/public/sos/corp/search.html?Sea>

ATTACHMENT

4/18/2003

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.

SCANNED

JUN 27 2003

T 70583
ATTACHMENT 4 OF 6

L 2442

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 91 904 CUST# 34567
 CORP 10 100.00= 100.00

#1 C

CLP791

File in Duplicate Original

SCANNED

JUN 27 2003

attachment

T70583

6/25/2003

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70583**

This is to certify that: **HARDCASTLE FAMILY LLC**
675 N 8TH E
PRESTON ID 83263
(208)852-2455

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
11-2149	WR/License	12/16/1966	1.16 cfs	741 af	N/A	247.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

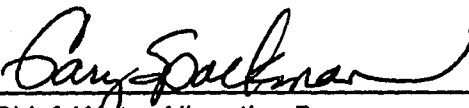
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
11-2149	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
11-2149	11-2149	1.16 cfs	423.4 af	N/A	247.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		1.16 cfs	423.4 af	N/A	247.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 17th day of September, 2003



Chief, Water Allocation Bureau

SCANNED
SEP 18 2003

WATER RIGHT NO. 11-2149
As Modified by Transfer No. 70583

In accordance with the approval of Transfer No. 70583, Water Right No. 11-2149 is now described as follows.

Right Holder: HARDCASTLE FAMILY LLC
675 N 8TH E
PRESTON ID 83263

Priority Date: December 16, 1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	1.16 CFS	423.4 AF
			1.16 CFS	423.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSW Sec. 25 Twp 12S Rge 43E BEAR LAKE County
GROUND WATER NESE Sec. 26 Twp 12S Rge 43E BEAR LAKE County

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 23																1.8	1.8
12S 43E 24											10.6						10.6
12S 43E 25						39.0	39.0		39.0	34.4	7.1	22.5		29.0	2.7		212.7
12S 43E 26	6.6			9.2									5.4			.7	21.9

Total Acres: 247

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Right 11-2149 shall not exceed 1.16 cfs, nor total combined annual volume of 423.4 af.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

SCANNED
SEP 18 2003

WATER RIGHT NO. 11-2149
As Modified by Transfer No. 70583

CONDITIONS OF APPROVAL

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water and after 10/31 is subordinate to all water rights having no subordinated late irrigation use.
9. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
10. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 17th day of September, 2003



Chief, Water Allocation Bureau

SCANNED
SEP 18 2003

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 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 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

SCANNED
SEP 08 2003

Keith,

Enclosed is proof of ownership on Hardcastle 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 Hardcastle

1075 Main St.

Bern. ID 83220

(208) 847-2281

SCANNED

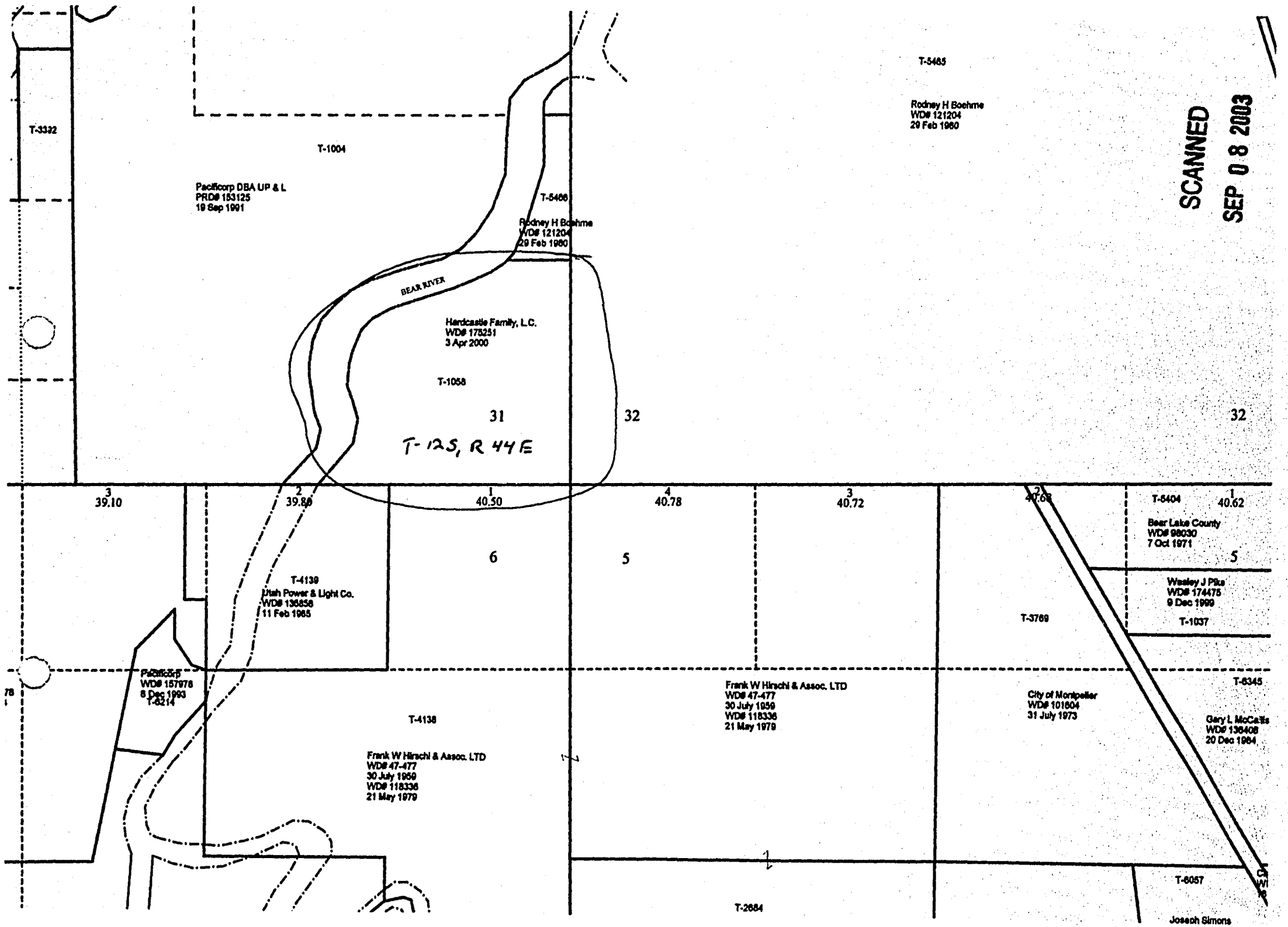
SEP 08 2003

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

James Hardcastle
1075 Main
Bern ID 83220
847-2281

SCANNED

SEP 08 2003





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 SE $\frac{1}{4}$ 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

SCANNED
SEP 08 2003

	JAMES B. HARDCASTLE	6-94	2939
	SHANNAN HARDCASTLE		
	FARM AND RANCH		
	1075 MAIN ST. PH. 208-847-2281	Date <u>4/30/03</u>	82-112/1241
	BERN, ID 83220		425
PAY to the	Idaho Dept Water Resources		\$290.00
Order of	Two hundred ninety & no/100		Dollars
ZIONS BANK			
Zions First National Bank			
Montpelier Office 302 Washington Street			
Montpelier, Idaho 83264			
www.zionsbank.com			

Alma Hardcastle

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

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.

SCANNED

SEP 08 2003

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

SCANNED

SEP 08 2003



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
se*

SCANNED

SEP 08 2003



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

SCANNED
SEP 08 2003

No 6772

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Bear Lake

Rosa J. 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 J. Medema
Fees, 83.00

Subscribed and sworn to before me this 27th day
of August, 2003

Sherry Wei
Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 28, 2003

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 follow-
ing 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 T12S R43E, to bring diver-
sion 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 pro-
posed 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 appli-
cant.

KARL J DREHER,

Director

PUBL Publish Aug. 6 and 13, 2003 — ED

SEP 04 2003

Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 18, 2003

HARDCASTLE FAMILY LLC
675 N 8TH E
PRESTON ID 83263

RE: Transfer No.: 70583 - Water Right 11-2149 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

SCANNED
SEP 18 2003

If you have any questions, please contact me at 208-327-7940.

Sincerely,

Camila S Skaggs
for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

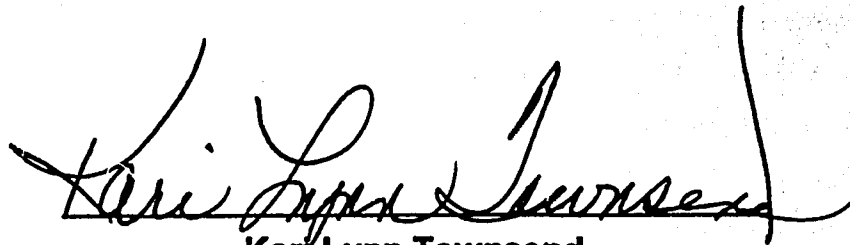
SCANNED
SEP 10 2003

CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 70583 - WATER RIGHT 11-2149

**HARDCASTLE FAMILY LLC
675 N 8TH E
PRESTON ID 83263**


**Karl Lynn Townsend
Secretary**

**SCANNED
SEP 18 2003**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.