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FEB 20 2024

DEPT. OF WATER RESOURCES
EASTERN REGION

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

IDWR/Preston

**NOTICE OF DIVERSION AS AN ALTERNATIVE TO
INSTREAM STOCKWATER USE**

(To provide notice of intent to divert surface water from a stream or riparian area to troughs or tanks as an alternative to instream use for the watering of livestock)

1. Name of right holder HARDCASTLE BERN RANCH LLC
Phone (208) 709-612 Mailing address 675 N 8TH E, PRESTON, ID 83263
Email _____
2. Source of water supply SPRING tributary to SINKS
3. Point of Diversion:
 - a) Is this notice based on an existing recorded instream stockwater right? If yes, provide the water right number _____
If no, describe the beginning and ending points for the instream stockwater use:
Beginning point is in Gov't. Lot _____, _____ 1/4 _____ NE _____ 1/4 _____ NW _____ 1/4, Section 34, Township 12S Range 43E, B.M.,
BEAR LAKE County.
Ending point is in Gov't. Lot _____, _____ 1/4 _____ SE _____ 1/4 _____ NW _____ 1/4, Section 34, Township 12S Range 43E, B.M.,
BEAR LAKE County.
 - b) Alternate point of diversion is in Gov't. Lot _____, _____ 1/4 _____ SE _____ 1/4 _____ NW _____ 1/4, Section 34, Township 12S Range 43E, B.M., BEAR LAKE County.
4. Description of diversion and delivery system:
 - a) Describe the type of diversion PERFFERATED PIPE THAT COLLECTS THE WATER INTO A TROUGH
 - b) ~~Describe the delivery system~~ PIPE TO TROUGH
 - c) Describe the number, type and total capacity of troughs or tanks TWO SMALL TROUGHS THAT TOGETHER HOLD 250 GALLONS

- d) Describe the automatic shutoff or flow control mechanism or means of returning unused water to the source IT HAS AN OVERFLOW THAT SINKS
- e) Describe how the system is designed to allow measurement of the rate of diversion VOLUME MEASURED BY CAPACITY OF STORAGE TANK, SPRING FLOWS AROUND 9 GALLONS PER MINUTE

5. Describe the place of use by placing an X in the appropriate 40-acre tract(s) below:

TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
12S	43E	34					X			X								

6. Priority date claimed or established 1/23/1922
7. Rate of diversion 0.02 cfs
8. Season of use: from JAN. 1 to DEC. 31
9. a) Who owns the property at the point of diversion? HARDCASTLE BERN RANCH LLC
- b) Who owns the property at the place of use? HARDCASTLE BERN RANCH LLC
10. When will construction occur? 1995
11. Comments (include number and type of stock) 1,000 HEAD OF CATTLE
12. Map of project required - Attach an 8½"x11" map clearly identifying the location of the instream stockwater use and the locations of the alternative point(s) of diversion and stock trough(s). A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

I hereby assert the following:

- a) Diversion is from a surface water source to which the livestock would otherwise have access. The land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which diversion is being made.
- b) The diversion of water out of the stream as described in this notice is for watering livestock and will not injure other water rights.
- c) I will not alter the bed and banks of the source as the term is defined in section 42-3802, Idaho Code. I understand that I may place an inlet conduit into the source in a manner that does not require excavation or obstruction of the stream channel, unless the director of the department of water resources approves a stream channel alteration permit for additional work.
- d) I understand that upon determination of interference with other water rights, the Director may order curtailment of diversion or use of water under this notice or may require the diversion and delivery system to be modified to prevent injury.
- e) I will not divert more than 13,000 gallons per day for livestock watering from this diversion, and I will not use more than one point of diversion under this notice.
- f) I am authorized to make the changes described in this notice and that if the notice involves a federal grazing allotment, the permittee consents to the changes described in this notice.
- g) I understand that any willful misrepresentation on this notice will void any right to divert water for livestock under this notice.

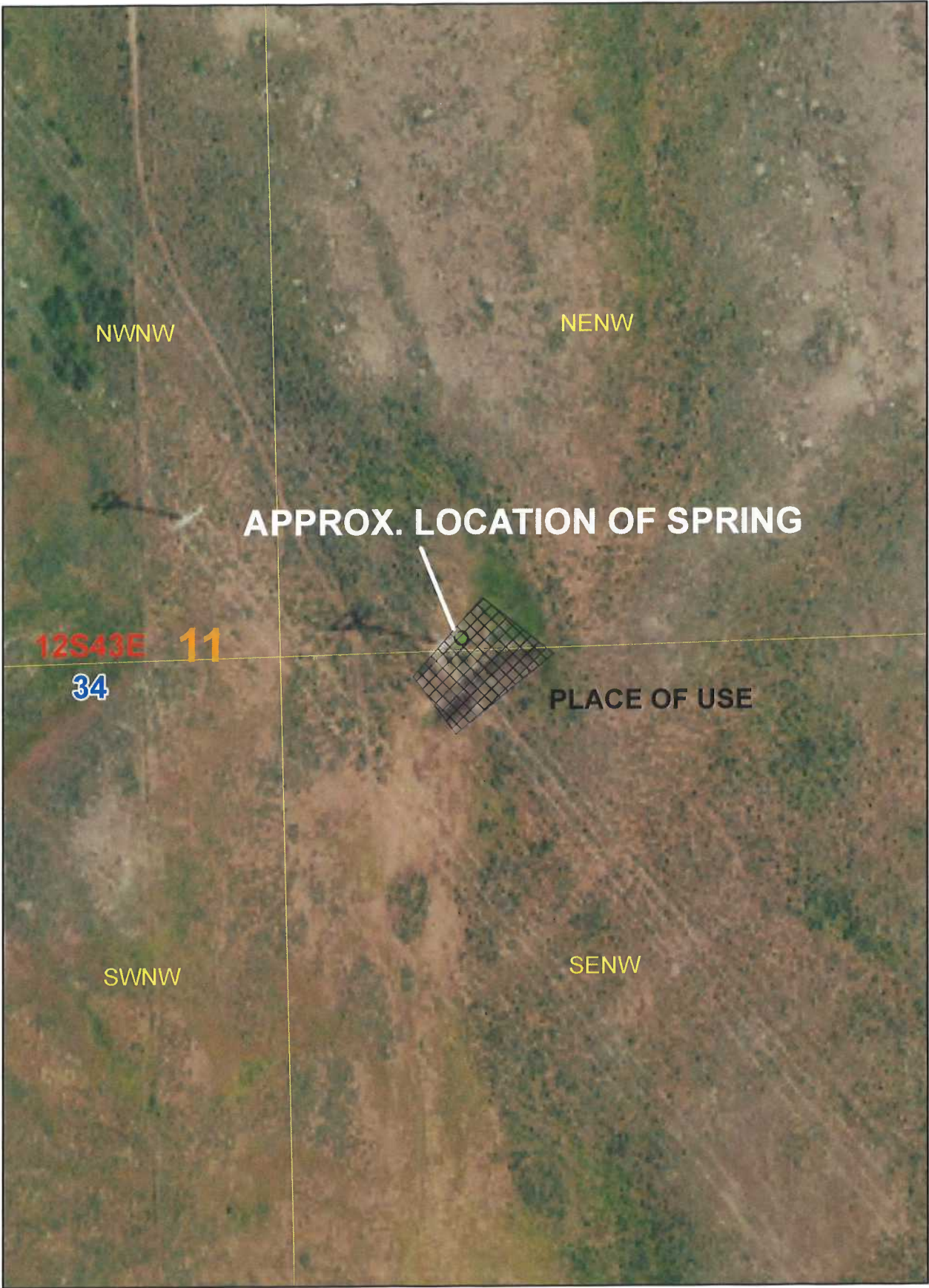
Dated this 13 day of November, 20 23

James B. Audenstede
Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by MB Date 5/6/24 Preliminary check by _____
Fee: \$ 25.00 Received by MB Receipt No. P000740 Date 5/6/24
Water District No. _____ Entered into data base _____ By _____

NOTICE OF CLAIM FOR HARDCASTLE BERN RANCH LLC



The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Blackfoot, Idaho,**
has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,
"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of
Christian Olsen
has been established and duly consummated, in conformity to law, for the **south half of the southwest quarter,**
the north half of the northwest quarter, the southwest quarter of the north-
west quarter and the northwest quarter of the southwest quarter of Section
twenty-seven and the east half of the northwest quarter of Section thirty-
four in Township twelve south of Range forty-three east of the Boise Merid-
ian. Idaho, containing three hundred twenty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described;
TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of
the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and
rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws,
and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the
authority of the United States.

IN TESTIMONY WHEREOF, I, **Warren G. Harding,**

President of the United States of America, have caused these letters to be made
Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the **TWENTY-THIRD**

(SEAL.)

day of **JANUARY** in the year of our Lord one thousand
nine hundred and **TWENTY-TWO** and of the Independence of the
United States the one hundred and **FORTY-SIXTH.**

By the President:

By

Warren G. Harding
Viola P. Coughlin, Secretary.
W. P. LeRoy
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number...

845006

6-0001



February 23, 2024

HARDCASTLE BERN RANCH LLC
675 N 8TH E
PRESTON, ID 83263

RE: Notice of Diversion for Instream Stockwater Use 11-9951

Hello,

The Department of Water Resources acknowledges receipt of the water right notice you submitted under Section 42-113(3), Idaho Code. Please refer to the above referenced number in all future correspondence regarding this notice.

The filing of the notice does not confirm the validity of the water right. It will serve to record and preserve the information regarding the notice.

Please note that the diversion described in your notice may occur only if the following conditions are met.

- The water is diverted from a surface water source to a trough or tank through an enclosed water delivery system.
- The water delivery system is equipped with an automatic shutoff or flow control mechanism or includes a means for returning unused water to the surface water source through an enclosed delivery system, and the system is designed and constructed to allow the rate of diversion to be measured.
- The diversion is from a surface water source to which the livestock would otherwise have access and the watering tank or trough is located on land from which the livestock would have access to the surface water source from which the diversion is made.
- The diversion of water out of the stream in this manner does not injure other water rights.
- The use of the water diverted is for watering livestock.
- The bed and banks of the source shall not be altered as that term is defined in section 42-3802, Idaho Code, except that an inlet conduit may be placed into the source in a manner that does not require excavation or obstruction of the stream channel, unless additional work is approved by the director of the department of water resources.

- The amount of water diverted for watering of livestock in accordance with this subsection shall not exceed thirteen thousand (13,000) gallons per day per diversion.

Also, 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. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

I am enclosing a printout of your Notice of Diversion for Instream Stockwater Use for your records. If you have questions, please call me.



Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Friday, February 23, 2024 9:48 AM
To: Fred Price (fwprice@blm.gov); Woodard, Mleah - FS
Cc: Nebeker, Jake
Subject: Notices of Diversion for Instream Stockwater Use: 11-9951, 11-9952, 11-9953
Attachments: Notice of Diversion for Instream Stockwater Use_11-9951.pdf; Notice of Diversion for Instream Stockwater Use_11-9952.pdf; Notice of Diversion for Instream Stockwater Use_11-9953.pdf

M'LEAH WOODARD
USDA FOREST SERVICE

FRED PRICE
USDI, BLM, IDAHO STATE OFFICE

RE: Notice of Diversion for Instream Stockwater Use

Dear Interested Party:

The Department of Water Resources has received the enclosed Notices of Diversion for Instream Stockwater, submitted under Section 42-113(3), Idaho Code. Please refer to the above referenced numbers in all future correspondence regarding these notices. These notices will be retained in our files and will be available for reference at any time.

If you have questions, please call the department at (208) 525-7161

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

Henman, Christina

From: Henman, Christina
Sent: Friday, February 23, 2024 1:37 PM
To: Clark, Trevlyn - FS, UT
Subject: FW: Notices of Diversion for Instream Stockwater Use: 11-9951, 11-9952, 11-9953
Attachments: Notice of Diversion for Instream Stockwater Use_11-9951.pdf; Notice of Diversion for Instream Stockwater Use_11-9953.pdf; Notice of Diversion for Instream Stockwater Use_11-9952.pdf

Attached are the three notices discussed below.

Thank You,

Christina Henman
Administrative Assistant

From: Larsen, Tyler - FS, UT <Tyler.Larsen@usda.gov>
Sent: Friday, February 23, 2024 12:56 PM
To: Henman, Christina <Christina.Henman@idwr.idaho.gov>
Cc: Clark, Trevlyn - FS, UT <Trevlyn.Clark@usda.gov>
Subject: RE: Notices of Diversion for Instream Stockwater Use: 11-9951, 11-9952, 11-9953

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Thanks for contacting me Christina. I apologize for not updating this information sooner. I just replaced M'Leah last month. Please send these notices to our Idaho Water Rights Coordinator Trevlyn "Trevi" Clark Trevlyn.Clark@usda.gov, copied here.

Have a good weekend,

Tyler



Tyler Larsen
Program Manager
Water Rights and Uses

Forest Service
Intermountain Region 4

p: 801-625-5809
Tyler.Larsen@usda.gov

324 25th Street
Ogden, UT 84401
www.fs.usda.gov



Caring for the land and serving people

From: Henman, Christina <Christina.Henman@idwr.idaho.gov>
Sent: Friday, February 23, 2024 9:52 AM
To: Larsen, Tyler - FS, UT <Tyler.Larsen@usda.gov>
Subject: FW: Notices of Diversion for Instream Stockwater Use: 11-9951, 11-9952, 11-9953

Tyler,

Please see below. I received a kickback from M'Leah that she is no longer with the USFS, and that you are taking over for her. Can you confirm that you would be the one we send these notices to?

Thank You,

Christina Henman
Administrative Assistant

From: Henman, Christina
Sent: Friday, February 23, 2024 9:48 AM
To: Fred Price (fwprice@blm.gov) <fwprice@blm.gov>; Woodard, Mleah - FS <MLeah.Woodard1@usda.gov>
Cc: Nebeker, Jake <Jake.Nebeker@idwr.idaho.gov>
Subject: Notices of Diversion for Instream Stockwater Use: 11-9951, 11-9952, 11-9953

M'LEAH WOODARD
USDA FOREST SERVICE

FRED PRICE
USDI, BLM, IDAHO STATE OFFICE

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Thank You,



Christina Henman
Administrative Assistant
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900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161