Form 113
12/07

Ident No. 11-9952

RECEIVED
FEB 06 2024
IDWR/Preston

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
FEB 20 2024
DEPT. OF WATER RESOURCES
EASTERN REGION

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) 709-6122 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 __23____, Township __12S____ Range __43E_____, B.M., __BEAR LAKE_____ County.

   Ending point is in Gov't. Lot ____, _____1/4 ___NE__ 1/4 __NW___ 1/4, Section __23____, Township __12S____ Range ___43E____, B.M., ___BEAR LAKE_____ County.

   b) Alternate point of diversion is in Gov't. Lot ____, _____1/4 ___NE__ 1/4 ___NW__ 1/4, Section ___23___, 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 TIRE TROUGH THAT HOLDS ABOUT 525 GALLONS

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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_____

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	23		X														

6. Priority date claimed or established __6/28/1939_____

7. Rate of diversion __0.02_____ cfs

8. Season of use: from ~~MAY 1~~ Jan. 1 to DEC. ~~1~~ 31

JBH

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.

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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 permitee 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, 2023

James B. Hardwick
Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by MB Date 2/6/24 Preliminary check by _____

Fee: $ 25.00 Receipted by MB Receipt No. P000740 Date MB

Water District No. _____ Entered into data base _____ By _____

HARDCASTLE BERN RANCH LLC

Land Patent Details

Accession Nr: 1103504 **Document Type:** Serial Patent **State:** Idaho **Issue Date:** 6/28/1939 **Cancelled:** No

Names On Document

PETERSON, MELVIN	
Military Rank:	---

Miscellaneous Information

Land Office:	Blackfoot
US Reservations:	Yes
Mineral Reservations:	Yes
Tribe:	---
Militia:	---
State In Favor Of:	---
Authority:	December 29, 1916: Homestead Entry-Stock Raising (39 Stat. 862)

Document Numbers

Document Nr:	046486
Misc. Doc. Nr:	0
BLM Serial Nr:	IDBL 0046486
Indian Allot. Nr:	---

Survey Information

Total Acres:	320.00
Survey Date:	---
Geographic Name:	---
Metes/Bounds:	No

Land Descriptions

State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County
ID	Boise	012S - 043E	SE¼SW¼	14		Bear Lake
REMARKS: COAL AND OTHER MINERALS RESERVED TO US						
ID	Boise	012S - 043E	W½SW¼	14		Bear Lake
REMARKS: COAL AND OTHER MINERALS RESERVED TO US						
ID	Boise	012S - 043E	NE¼SE¼	15		Bear Lake
REMARKS: COAL AND OTHER MINERALS RESERVED TO US						
ID	Boise	012S - 043E	W½NE¼	23		Bear Lake
REMARKS: COAL AND OTHER MINERALS RESERVED TO US						
ID	Boise	012S - 043E	E½NW¼	23		Bear Lake
REMARKS: COAL AND OTHER MINERALS RESERVED TO US						

IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little Director Mathew Weaver

February 23, 2024

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

RE: Notice of Diversion for Instream Stockwater Use 11-9952

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,

IDAHO DEPARTMENT OF
WATER RESOURCES

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

Thank You,

IDAHO DEPARTMENT OF
WATER RESOURCES

Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
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