

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

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

CIVIL CASE NUMBER: 79576

Claim ID: 11-9953

Date Received: 11/13/23

Receipt No: _____

Claim Fee: exempt By: MB

RECEIVED

NOV 13 2023

IDWR/Preston

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of claimant(s) HARDCASTLE BERN RANCH LLC Phone (208) 709-6122

Mailing address 675 N 8TH E, PRESTON, ID Zip 83263
Street or Box City State

Email address (optional) _____

2. Date of priority: (Only one per claim) April/19/1888 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) SPRING

which is tributary to (b) SINKS

4. a. Location of point of diversion is: Township 12S, Range 43E, Section 26,
SE 1/4 of SW 1/4, Govt. Lot _____, BM, County of BEAR LAKE

Parcel no. _____

Additional points of diversion, if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,

Govt. Lot _____, BM, County of _____

Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,

Govt. Lot _____, BM, County of _____

5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

~~DEVELOPED SPRING THAT IS AN ALTERNATIVE TO INSTREAM STOCK. COLLECTED WITH~~
~~PERFERRATED PIPE TO TIRE TROUGH.~~

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD)

(cfs)

(acre-feet)

For _____ purposes from _____ to _____ amount _____ or _____

For STOCKWATER purposes from 1/1 to 12/31 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .02 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) 1,000 HEAD

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

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	26												S					

Parcel no(s). SEE ATTACHMENTS

Total number of acres irrigated _____

10. In which county(ies) are lands listed above as place of use located? BEAR LAKE

11. Do you own the property listed above as place of use? Yes (☒) No (☐)

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None (☒)

13. Remarks (Include an explanation of the priority date selected):

Name of claimant(s) _____

Claim ID _____

14. Basis of claim (Check one) Beneficial Use (☒) Posted Notice (☐) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 11-9953

15. **Signature(s)**

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."

(b.) I/We do (☐) do not (☐) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

Manager of Hardcastle Bern Ranch LLC
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent James B. Hardcastle Date 11-13-23

Printed Name of Authorized Agent James B. Hardcastle

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) _____, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Name of claimant(s) _____ Claim ID _____

NOTICE OF CLAIM FOR HARDCASTLE BERN RANCH LLC

LOCATION OF SPRING IN GREEN AND LOCATION OF
ALTERNATIVE DIVERSION TO INSTREAM STOCK IN BLUE





The United States of America,

To all to whom these Presents shall come, Greeting:

Homestead Certificate No. 634

Application 494

Whereas, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Blackfoot Idaho Territory, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of *Thomas C. Petersen*

has been established and duly consummated, in conformity to law, for the East half of the South east quarter and the South east quarter of the North east quarter of Section 36 and the North west quarter of the South west quarter of Section 36 in Township Thirteen South of Range Forty three East of Boise Meridian in Idaho Territory containing one hundred and sixty acres

according to the Official Plat of the Survey of 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 *Thomas C. Petersen*

the tract of Land above described: To have and to hold the said tract of Land, with the appurtenances thereof, unto the said *Thomas C. Petersen* and to his heirs and assigns forever; subject to any vested and accruing 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 also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In testimony whereof, *J. Grover Cleveland*, 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, at the City of Washington, the *Nineteenth* day of *April*, in the year of our Lord one thousand eight hundred and *Eighty eight* and of the Independence of the United States the *the hundred and Thirtieth*

By the President:

Grover Cleveland

By

My. M. Kean

Secretary.

Roll. W. Ross Recorder of the General Land Office.

U.S.