

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	8	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 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)

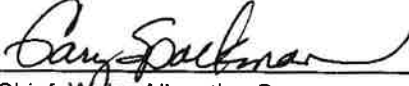
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
11-2149	NO	NO	YES	YES	NO	NO

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

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	to 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.

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 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, 20 03



Chief, Water Allocation Bureau