

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A21-11241
Date Received: 6/23/1989
Receipt No: E009245 + E024735
Received By: Jul

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: LAWRENCE J YBARRONDO 208-522-0290
Address: 2373 S BELLIN RD
IDAHO FALLS ID 83402

2. Date of Priority: MAY 31, 1935

3. Source: UNNAMED STREAM Trib. to: PORCUPINE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	45E	30	SE	NW			FREMONT

5. Description of diverting works:
DIVERSION DAM INTO IRRIGATION DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.900		

7. Total Quantity Appropriated is:
0.900 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	44E	24	SW	SE		IRR	2.0

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
						Section Acres	2.0
		25	NE	NE		IRR	23.0
			NW	NE		IRR	6.0
						Section Acres	29.0
	45E	30	NW	NW		IRR	14.0
						Section Acres	14.0
						Total Acres	45.0

Signature of Claimant(s): Lawrence J. Gbarrondo Date: 21 Jan. 1999
Date:

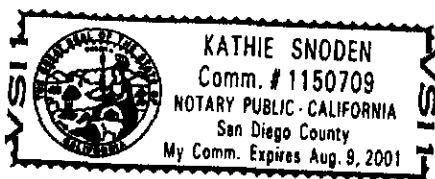
State of ~~Idaho~~ California)
County of San Diego) SS.

Subscribed and sworn (or affirmed) before me this 21 day

of January 19 99

Kathie Snoden
Notary Public

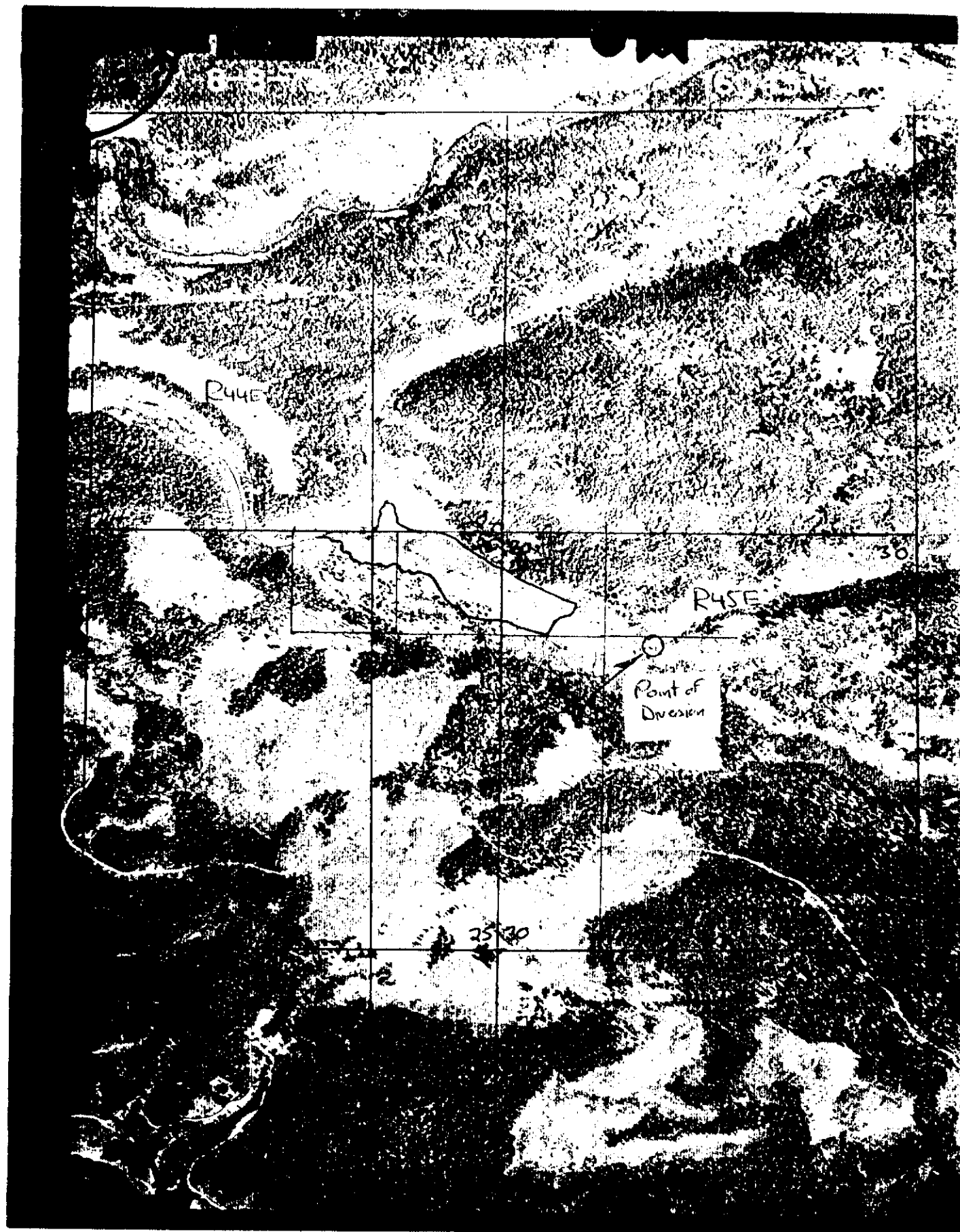
Seal



Residing at 1112 First St Coronado, CA

My Commission Expires Aug 9, 2001

T
9N



A21-11241

AJ0749NP
No. A21-11241

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/10/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAWRENCE J YBARRONDO 2373 S BELLIN RD IDAHO FALLS ID 83402 (208) 522-0290	05/31/1935	IRRIGATION	04-15 10-15	0.58 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	0.58 CFS 58.00 AFA

Water Source: UNNAMED SPRINGS

Tributary to: PORCUPINE CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T09N R45E S30

NWNE

NWNW

FREMONT County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
09N	44E 24	:		:		:		:		:		:		:		:	05	5.0
09N	44E 25	:	12	:		:		:		:		:		:		:		12.0
09N	44E 30	:		:		:	12	:		:		:		:		:		12.0
																	TOTAL ACRES	29.0

POU County: FREMONT

Non-Irrigation Uses: NONE

Other Rights: A21-11248

Remarks: GEN CHANGED OWNERSHIP PER REQUEST/JH/8-10-98

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A21-11241
Date Received: 6/23/1989
Receipt No: E009245
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM F. DUKE 303-242-7577
Address: 2067 E 1/2 ROAD 81503
GRAND JUNCTION, CO
OR
Name: FORREST HOWELL 208-652-3320
Address: BOX 602
ASHTON, ID 83420

2. Date of Priority: MAY 31, 1935

3. Source: UNNAMED SPRINGS Trib. to: PORCUPINE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	45E	30	NW	NE			FREMONT
			NW	NW			FREMONT

5. Description of diverting works:
DIVERSION DAM INTO IRRIGATION DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.580		

7. Total Quantity Appropriated is:
0.580 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 58.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A21-11241

Page 1

Date: 07/28/89

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OCT 23 1992

A2111241

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	44E	24	SE	SE		IRR	5.0
						Section Acres	5.0
		25	NE	NE		IRR	12.0
						Section Acres	12.0
		30	NW	NW		IRR	12.0
						Section Acres	12.0
						Total Acres	29.0

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A21-11248

14. Remarks:
BUYING PROPERTY ON PURCHASE CONTRACT.

15. Basis of Claim: BENEFICIAL USE

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 SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number A21-11241
Date Received 7/28/89 2.0.
Receipt Number E009234

AMENDED

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

Please type or print clearly

1. Name of Claimant (s) WILLIAM F. DUKE Phone (303) 242-7577
Mailing Address 2067 S 1/2 ROAD, GRAND JUNCTION CO Zip 81503
2. Date of Priority (Only one (1) per claim) MAY 31, 1935
3. Source of water supply (a) UNNAMED SPRINGS
which is tributary to (b) PORCUPINE CREEK
4. a. Location of existing point of diversion is: Township 9N Range 45E Section 30,
NW 1/4 of NE 1/4 of 1/4, Govt. Lot, B.M., County of
Additional points of diversion if any: T9N R45E SEC 30 NW 1/4 NW 1/4 NE 1/4 NE 1/4
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., 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. DIVERSION DAM INTO
IRRIGATION DITCH.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/15 to 10/15 amount 0.58 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.58 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 58 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. 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	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
9N	45E	30					12												12
	44E	25	12																12
	44E	24															5		5

Total number of acres irrigated 29

11. In which county (ies) are lands listed above as place of use located? FREMONT

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
RISING CREEK A21-11248 or None ()

14. Remarks: BUYING PROPERTY ON PURCHASE CONTRACT.

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OCT 23 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____

Date 7/24/89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 24th day of July 19 89

SEAL

Notary Public Anthony S. O'Brien

Residing at Idaho Falls

My Commission Expires 9/12/1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

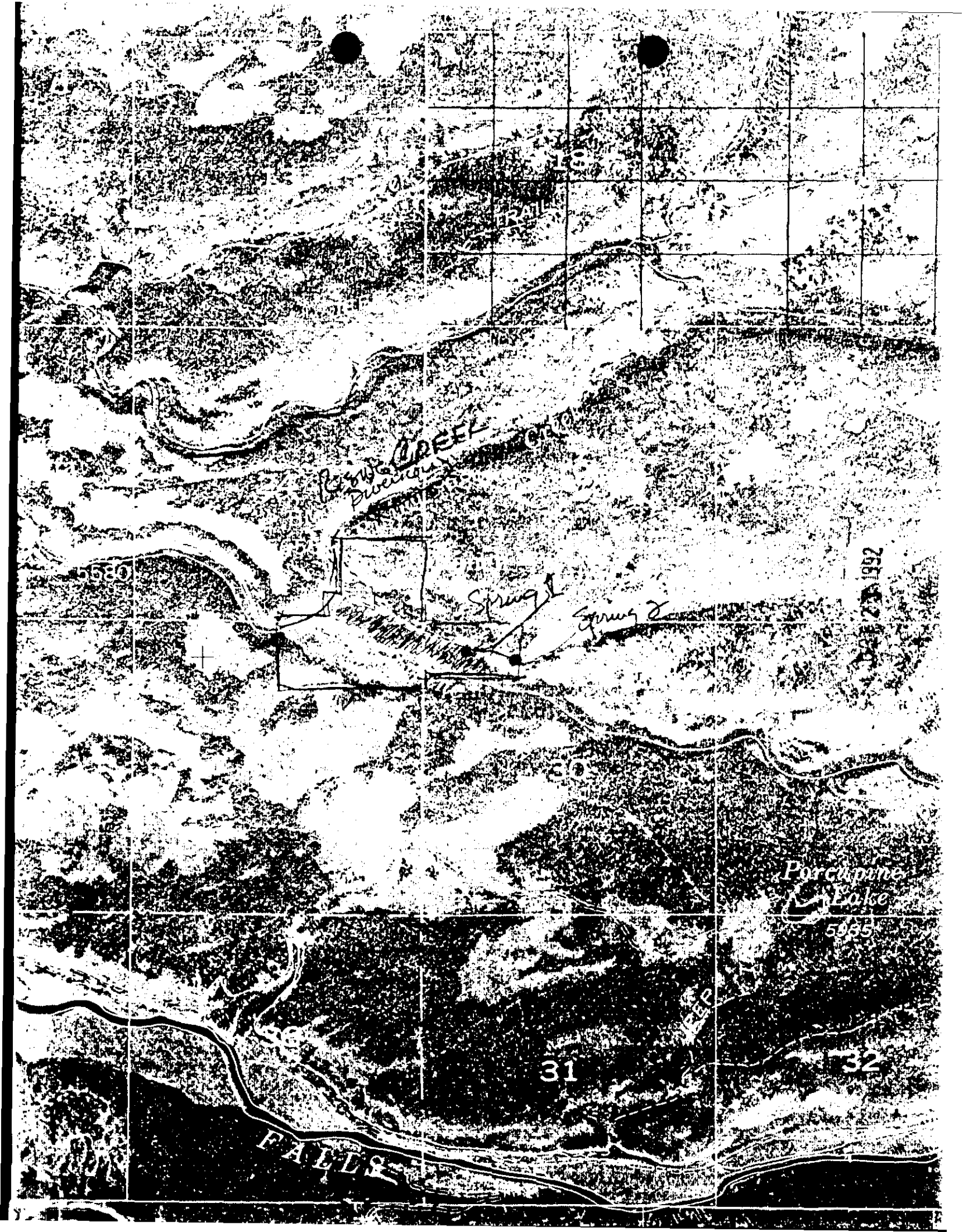
Date _____

MONOTYPED

OCT 23 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



CREEK
Pine

Spring

Spring

Porcupine
Lake

FALLS

31

32

5680 5690 5700 5710 5720 5730 5740 5750 5760 5770 5780 5790 5800 5810 5820 5830 5840 5850 5860 5870 5880 5890 5900 5910 5920 5930 5940 5950 5960 5970 5980 5990 6000 6010 6020 6030 6040 6050 6060 6070 6080 6090 6100 6110 6120 6130 6140 6150 6160 6170 6180 6190 6200 6210 6220 6230 6240 6250 6260 6270 6280 6290 6300 6310 6320 6330 6340 6350 6360 6370 6380 6390 6400 6410 6420 6430 6440 6450 6460 6470 6480 6490 6500 6510 6520 6530 6540 6550 6560 6570 6580 6590 6600 6610 6620 6630 6640 6650 6660 6670 6680 6690 6700 6710 6720 6730 6740 6750 6760 6770 6780 6790 6800 6810 6820 6830 6840 6850 6860 6870 6880 6890 6900 6910 6920 6930 6940 6950 6960 6970 6980 6990 7000 7010 7020 7030 7040 7050 7060 7070 7080 7090 7100 7110 7120 7130 7140 7150 7160 7170 7180 7190 7200 7210 7220 7230 7240 7250 7260 7270 7280 7290 7300 7310 7320 7330 7340 7350 7360 7370 7380 7390 7400 7410 7420 7430 7440 7450 7460 7470 7480 7490 7500 7510 7520 7530 7540 7550 7560 7570 7580 7590 7600 7610 7620 7630 7640 7650 7660 7670 7680 7690 7700 7710 7720 7730 7740 7750 7760 7770 7780 7790 7800 7810 7820 7830 7840 7850 7860 7870 7880 7890 7900 7910 7920 7930 7940 7950 7960 7970 7980 7990 8000 8010 8020 8030 8040 8050 8060 8070 8080 8090 8100 8110 8120 8130 8140 8150 8160 8170 8180 8190 8200 8210 8220 8230 8240 8250 8260 8270 8280 8290 8300 8310 8320 8330 8340 8350 8360 8370 8380 8390 8400 8410 8420 8430 8440 8450 8460 8470 8480 8490 8500 8510 8520 8530 8540 8550 8560 8570 8580 8590 8600 8610 8620 8630 8640 8650 8660 8670 8680 8690 8700 8710 8720 8730 8740 8750 8760 8770 8780 8790 8800 8810 8820 8830 8840 8850 8860 8870 8880 8890 8900 8910 8920 8930 8940 8950 8960 8970 8980 8990 9000 9010 9020 9030 9040 9050 9060 9070 9080 9090 9100 9110 9120 9130 9140 9150 9160 9170 9180 9190 9200 9210 9220 9230 9240 9250 9260 9270 9280 9290 9300 9310 9320 9330 9340 9350 9360 9370 9380 9390 9400 9410 9420 9430 9440 9450 9460 9470 9480 9490 9500 9510 9520 9530 9540 9550 9560 9570 9580 9590 9600 9610 9620 9630 9640 9650 9660 9670 9680 9690 9700 9710 9720 9730 9740 9750 9760 9770 9780 9790 9800 9810 9820 9830 9840 9850 9860 9870 9880 9890 9900 9910 9920 9930 9940 9950 9960 9970 9980 9990 10000

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 SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number AD-11241Date Received 6-23-89Receipt Number E009234
E009245

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) FORREST HOWELL Phone (208) 652 3320
Mailing Address Box 602 ASHTON, ID Zip 83420

2. Date of Priority (Only one (1) per claim) MAY 31, 1935

3. Source of water supply (a) UNNAMED SPRINGS
which is tributary to (b) PORCUPINE CREEK

4. a. Location of existing point of diversion is: Township 9N Range 45E Section 19,
1/4 of SW 1/4 of SW 1/4, Govt. Lot, B.M., County of FREMONT

Additional points of diversion if any: _____

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

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

Govt. Lot _____ B.M., County of _____

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

_____ 1/4, Govt. Lot _____ B.M., 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.

Earth ditch, canvas
diversion dam on ditch, sprinkler system
delivery

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 05/01 to 11/01 amount 1.00 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.00 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 476.9 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) NONE

10. 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	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
9N	44E	24															40	40	80
9N	44E	25	40	40															80
9N	45E	30					12.5	18.25											30.75
							18.25												18.25

Total number of acres irrigated 191.0
190.75

11. In which county (ies) are lands listed above as place of use located? FREMONT

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
185 acres on Blue Creek or None ()

14. Remarks:

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OCT 23 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of 256 squares. Each square contains a small crosshair pattern consisting of a vertical line, a horizontal line, and two diagonal lines intersecting at the center. The lines are thin and black, and the background of each square is white. The grid is composed of 16 rows and 16 columns of these squares.

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OCT 23 1992

Last Name	Ident No.
------------------	------------------

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Harriet Howell Date 6-23-89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bennville) SS.

Subscribed and sworn (or affirmed) before me this 23rd day of June 19 89

SEAL

Notary Public Betty J. Shamp

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

MICROFILMED

OCT 23 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

(8) Remarks

Rge 44E

Range 45E

Tap
9N

24

19

* Point of Diversion
Proposed

25

30

Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

) ss.

County of Jefferson)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Robert L. Smith
(Claimant)

Sworn to before me this 28 day of November, 1977.

Notary Public

Residing at Highway

My commission expires perpetual

For Department Use Only

Received by <u>me</u>	Date <u>12-30-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>LT</u>	Date <u>12-30-77</u>		claimant by:	
\$10.00 fee received by <u>me</u>	Date <u>12-30-77</u>	<u>779154</u>		
Approved for publication by <u>me</u>	<u>1-25-78</u>			
Published in <u>12-30-77</u>				
Dates <u>12-30-77</u>				

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5392
CLAIM NO. A21-11241

RECEIVED

JUN 17 1999

Department of Water Resources
Eastern Region

This is to certify that: LARRY J YBARRONDO
2373 S BELLIN RD
IDAHO FALLS ID 83402

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	* 0.85 CFS	* 148.7 AF
RECREATION	01/01 to 12/31	0.05 CFS	
RECREATION STORAGE	01/01 to 12/31		8.8 AF
	Totals	0.90 CFS	157.5 AF

SOURCE
UNNAMED STREAM

TRIBUTARY OF
PORCUPINE CREEK

Priority: 05/31/1935

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 30, Township 09N, Range 45E
FREMONT County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	44E	24	SWSE 5.1	SESE 4.6		9.7
		25	NENE 17.2	NWNE 1.6		18.8
45E	30		NWNW 14.0			14.0

Total number of acres irrigated: * 42.5

PLACE OF USE: RECREATION, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. After specific notification by the department, the right holder shall install a suitable measuring device 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.
2. 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.

TRANSFER NO. 5392
CLAIM NO. A21-11241

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 6. The first year that water is diverted to recreation and recreation storage uses, the irrigation use under this right shall be limited to 40.8 acres, 0.82 cfs and 142.8 afa.
7. The reduction of irrigation during the first year will provide the additional storage volume to fill the pond when combined with the 8.8 af associated with the 2.5 acres no longer irrigated.
8. This transfer approval includes and supercedes any right represented by Claim to a Water Right No. 21-04106 filed with the department by William F. Duke on May 10, 1983.

Dated this 10th day of June, 1999.


Chief, Water Allocation Bureau

MEMORANDUM

TO: File A21-11241

FROM: Pam Skaggs^{CS}/State Office

SUBJECT: Transfer 5392

DATE: June 10, 1999

Transfer 5392 corrects the legal description of the point of diversion and place of use to reflect existing historic use, and changes the nature and season of use of a portion of the right to provide for recreation ponds. This SRBA Claim has been identified as the same use claimed under Right 21-04106 and will supercede the statutory claim when decreed.

The applicant is building two recreation ponds on previously irrigated land removing 2.5 acres from irrigation to compensate for the storage use, which wasn't identified on the application. Since the surface area of the ponds are equal to the amount of land being removed from irrigation, no increase in consumptive use will occur. The capacity of the ponds is larger than the 8.8 afa associated with the 2.5 acres of irrigation. The initial filling of the ponds will require the reduction of an additional 1.7 acres for that year. The application also identifies a recreation flow that is basically a nonconsumptive flow through the ponds.

The application was originally prepared using an aerial photo provided by the applicant. After advertisement, it was noted that the photo had not been rectified and the adjustment changed the legal descriptions of both the point of diversion and place of use. The adjusted acres were noted on the application by region staff, and the point of diversion (not the location of the pond as noted on the application) was adjusted on the approval document.

Recommended conditions include future measuring & annual reporting, initial pond fill limits, SRBA Claim will supercede 21-04106, irrigation overlap and standard transfer conditions.

Change in Nature of Use Evaluation

	Rate	Use	Acres	Div. Vol./C.U. Vol.
Before	0.90 cfs	IRR	45.0 acres	157.5 af/112.5 af
After	0.85 cfs	IRR	42.5 acres	148.7 af/106.3 af
	0.05 "	REC	-----	/-----
		REC STOR (2.5 acres)		8.8 af/ 6.2 af
	0.90 cfs	IRR & REC	42.5 acres	157.5 af/112.5 af

50 3/23/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

5392

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

JAN 22 1999

PART 1

Department of Water Resource
Eastern Region

Name of applicant

LARRY J. YBARRONDO

Phone

(208) 522-0240

Post Office address

2373 S. Bellin Rd Idaho Falls ID 83402

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

2. Describe the reason for the proposed changes I am giving up 2.5 acres of
irrigated ground so I can construct a 2.5 acre (surface) pond
for recreational use on my property.

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
A21-11241	5/31/1935	0.85 cfs	Irrigation	4-15 to 10-15
		0.05 cfs	Recreation	1-1 to 12-31
				to
				to

2. Total amount of water being transferred 0.90 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Unnamed Stream tributary to Porcupine Creek

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	30	9N	4SE	Fremont	

5. Lands irrigated or place of use:

Twp.	Rge.	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	
9N	44E	25	23	5.5															
9N	45E	30					14												
9N	45E	30					R												

Total acres

42.5

PART 1

6. General Information:

a. Description of diversion system diversion dam + ditch for irrigation + ditch
to recreation pond with overflow

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? NO 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:

I believe there will be almost no effect because of
the high water table and the way the water flows
through the property. The land will go back to
natural pasture.

d. Remarks:

The recreation (Fish) pond is in accordance with the terms of
a conservation lease on the Howell Ranch.

This claim AZ1-11241 appears to be based on 21-04106

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 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. AZ1-11241 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water unnamed stream tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount 0.90 cfs for Irrigation purposes from 4-15 to 10-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.90 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	24	9N	44E	Fremont	

8. Lands irrigated or place of use:

Twp.	Rge.	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	
9N	44E	24															2		2
		25	23	6															29
9N	45E	30						14											14

Total acres 45

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

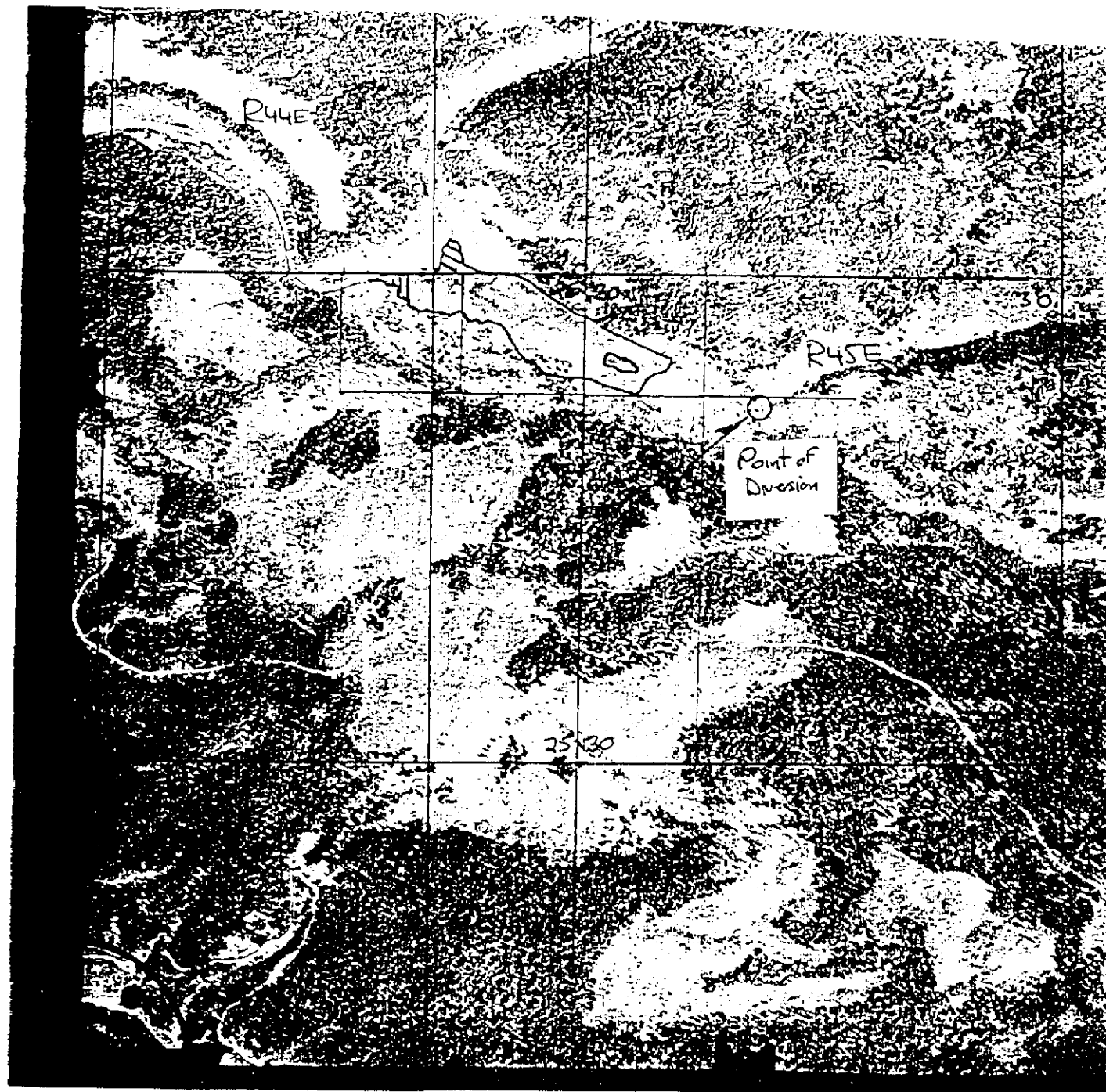
3. Lands irrigated or place of use:

Twp.	Rge.	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	

Total acres _____

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.



A21-11241



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 10, 1998

DR LAWRENCE J YBARRONDO
2373 S BELLIN RD
IDAHO FALLS ID 83402

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A21-11241,
A21-11248

Dear Mr. Ybarrondo:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland
Technical Records Specialist

Enclosure

**LDERSON
&
KARST**

1-208-522-4030

ARCHITECTS - PLANNERS

ROXANE L. SIVILL - PARTNER

348 B Street • P.O. Box 51977 • Idaho Falls, Idaho 83405

GT 7/31/98
OK

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

JUL 31 1998

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) _____
Adjudication Claim Number(s) A21-11241 + A21-11248
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) WILLIAM F. and Sheila Duke
0181 100 ROAD
CARBONDALE, CO 81623

4. New Owner/Claimant(s) DR. LAWRENCE J. YBARRONDO, TTEE
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 2373 SOUTH BELLIN RD.

City, State and ZIP Code IDAHO FALLS, IDAHO 83402
New Telephone Number (208) 522-0290

5. Date you acquired the property 28 MAY 1993

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Lawrence J. Ybarondo Date 31 July 1998

Date _____

- (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

AFFIDAVIT OF WILLIAM F. DUKE

STATE OF Idaho)
COUNTY OF Fremont) SS.

I, William F. Duke, being first duly sworn according to law, hereby depose and say as follows:

1. I am over the age of 18 years and have personal knowledge of the matters stated herein.

2. I am, and have been at all times relevant, a record owner of property located in Fremont County, Idaho, more particularly described as:

TRACT I

Beginning at the Southeast corner of Section 24, Township 9 North, Range 44 East, Boise Meridian, Fremont County, Idaho, and running thence North 80 rods; thence West 100 rods; thence South 60 rods; thence West 20 rods; thence South 20 rods; thence East 120 rods to the point of beginning.

TRACT II

Section 25, Township 9 North, Range 44 East, Boise Meridian, Fremont County, the N1/2 NE 1/4 LESS the following: Beginning at the Northwest corner of the NE1/4; thence East 20 rods; thence South 20 rods; thence West 20 rods; thence North 20 rods to the point of beginning. ALSO LESS: Right of Way for Highway.

TRACT III

Section 30, Township 9 North, Range 45 East, Boise Meridian, Fremont County, Idaho, Lot 5, NW1/4 NE1/4 NW 1/4; SW1/4 NE1/4 NE1/4 NW1/4.

3. The following instruments are presently recorded against the aforesaid property in the Official Records of Fremont County, Idaho:

- a. An Oil and Gas Lease executed by Forrest Howell and Louise Howell, his wife to J. H. Lindsay, recorded March 25, 1976, Recorder's No. 342685, Official Records of Fremont County, Idaho.
- b. Assignment of Oil and Gas Leases executed by J. H. Lindsay and Janiace A. Lindsay, his wife, to Martin J. Freedman and Robert L. Haynie, recorded May 17, 1976, Recorder's No. 343326.
- c. Assignment of Oil and Gas Leases executed by Martin J. Freedman and Norma J. Freedman, his wife to Gulf Oil Corporation, recorded August 30, 1976, Recorder's no. 344595.
- d. Partial Assignment of Oil and Gas Leases, executed by Forrest Howell and Louise M. Howell, his wife, to William F. Duke and Sheila Duke, his wife, recorded September 5, 1979, Recorder's no. 361303.
- e. Ratification and Rental Division Order, executed by Forrest Howell and Louise M. Howell, his wife, to J. H. Lindsay, which has been assigned to Gulf Oil Corporation, recorded April 14, 1980, Recorder's no. 364866.

Microfilm No. 426486
28 Day May 19 93
At 16:03 O'clock P.M.
MICKIE FUNKE
FREMONT CO. RECORDER
Fee \$ 6. Deputy
Recorded At Request of Fred W. Hunter

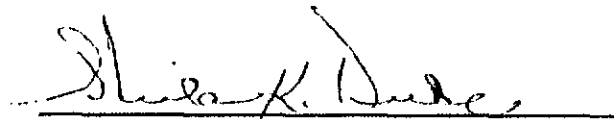
4. There has been no activity on the property or compensation received by me as a result of the afore-described lease instruments during the last two (2) years.

5. No labor or materials have been furnished to the property that could give rise to a materialmen and mechanics lien.

6. The undersigned hereby agree to indemnify and hold Larry Yabarrondo harmless for any claim or liability arising out of or involving any misstatement or breach of the representations contained herein.

FURTHER AFFIANT SAYETH NOT.

DATED this 28th day of May, 1993.


Sheila K. Duke

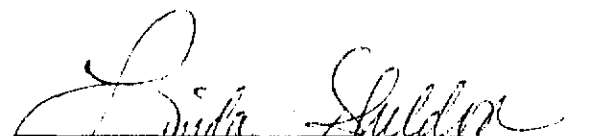
The foregoing Affidavit was acknowledged before me by Sheila K. Duke this 28th day of May, 1993.

Witness my hand and official seal.

SEAL

My commission expires:

1-28-94


Notary Public

AFFIDAVIT OF SHEILA K. DUKE

STATE OF Idaho)
COUNTY OF Fremont) SS.

I, Sheila K. Duke, being first duly sworn according to law, hereby depose and say as follows:

1. I am over the age of 18 years and have personal knowledge of the matters stated herein.

2. I am, and have been at all times relevant, a record owner of property located in Fremont County, Idaho, more particularly described as:

TRACT I

Beginning at the Southeast corner of Section 24, Township 9 North, Range 44 East, Boise Meridian, Fremont County, Idaho, and running thence North 80 rods; thence West 100 rods; thence South 60 rods; thence West 20 rods; thence South 20 rods; thence East 120 rods to the point of beginning.

TRACT II

Section 25, Township 9 North, Range 44 East, Boise Meridian, Fremont County, the N1/2 NE 1/4 LESS the following: Beginning at the Northwest corner of the NE1/4; thence East 20 rods; thence South 20 rods; thence West 20 rods; thence North 20 rods to the point of beginning. ALSO LESS: Right of Way for Highway.

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- d. Partial Assignment of Oil and Gas Leases, executed by Forrest Howell and Louise M. Howell, his wife, to William F. Duke and Sheila Duke, his wife, recorded September 5, 1979, Recorder's no. 361303.
- e. Ratification and Rental Division Order, executed by Forrest Howell and Louise M. Howell, his wife, to J. H. Lindsay, which has been assigned to Gulf Oil Corporation, recorded April 14, 1980, Recorder's no. 364866.

Microfilm No. 426485
28 Day May 1983
At 16:02 O'clock p.M.
MICKIE FUNKE
FREMONT CO. RECORDER
Fee \$ 6 Deputy
Recorded At Request of
Sheila K. Duke

WARRANTY DEED

William F. Duke and Sheila K. Duke, husband and wife, of Carbondale, Colorado, GRANTORS, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid, receipt and sufficiency of which is hereby acknowledged, GRANT, CONVEY, AND WARRANT to Larry J. Ybarrondo, a single man, of Idaho Falls, Idaho, GRANTEE, the following described real estate, situate in the County of Fremont, State of Idaho, hereby waiving and releasing all rights under and by virtue of the homestead exemption laws of the State of Idaho, to-wit:

TRACT I

Beginning at the Southeast corner of Section 24, Township 9 North, Range 44 East, Boise Meridian, Fremont County, Idaho, and running thence North 80 rods; thence West 100 rods; thence South 60 rods; thence West 20 rods; thence South 20 rods; thence East 120 rods to the point of beginning.

TRACT II

Section 25, Township 9 North, Range 44 East, Boise Meridian, Fremont County, the N1/2 NE 1/4 LESS the following: Beginning at the Northwest corner of the NE1/4; thence East 20 rods; thence South 20 rods; thence West 20 rods; thence North 20 rods to the point of beginning. ALSO LESS: Right of Way for Highway.

TRACT III

Section 30, Township 9 North, Range 45 East, Boise Meridian, Fremont County, Idaho, Lot 5, NW1/4 NE1/4 NW 1/4; SW1/4 NE1/4 NE1/4 NW1/4.

Subject to all covenants, conditions, restrictions, easements, reservations, encumbrances, rights and rights-of-way of sight and/or record, including but not limited to Deed of Conservation and Scenic Easement dated October 16, 1991 and recorded October 28, 1991 as Instrument No. 420163.

WITNESS our hands this 28 day of May, 1993.

William F. Duke
William F. Duke

STATE OF Idaho)
COUNTY of Fremont) SS.

The foregoing Warranty Deed was acknowledged before me by William F. Duke this 28 day of May, 1993.

Witness my hand and official seal.

SEAL

My commission expires: 1-28-94

Linda Sheldon
Notary Public

STATE OF IDAHO)
COUNTY of Fremont) SS.

The foregoing Warranty Deed was acknowledged before me by Sheila K. Duke this 28 day of May, 1993.

Witness my hand and official seal.

SEAL

My commission expires: 1-28-94

Sheila K. Duke
Sheila K. Duke

Linda Sheldon
Notary Public

Microfilm No. 426483
28 Day May 1993
At Carbondale VI
MICKIE FUNKE
FREMONT CO. RECORDER
Fee \$ 3
Recorded At Request of
William F. Duke Deputy

4. There has been no activity on the property or compensation received by me as a result of the afore-described lease instruments during the last two (2) years.

5. No labor or materials have been furnished to the property that could give rise to a materialmen and mechanics lien.

6. The undersigned hereby agree to indemnify and hold Larry Yabarrondo harmless for any claim or liability arising out of or involving any misstatement or breach of the representations contained herein.

FURTHER AFFIANT SAYETH NOT.

DATED this 28 day of May, 1993.

William F. Duke
William F. Duke

The foregoing Affidavit was acknowledged before me by William F. Duke this 28 day of May, 1993.

Witness my hand and official seal.

SEAL

Linda Sheldon
Notary Public

My commission expires:

1-28-94

7 June 70
Received from
Rohie

Fremont County Assessors Office--Kay
208/624-7984

Tax No. 1376
Sec 24 T9 R44
parcel # RP09N44E248400A

Section 25 T9 R44
parcel # RP0944E 250010A
less tax # 1377
N $\frac{1}{2}$ of NE $\frac{1}{4}$

Section 30 T9 R45
parcel # RP09N45E302400A
Lot 5 & NW $\frac{1}{4}$ of NE $\frac{1}{4}$ NW $\frac{1}{4}$ & SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$

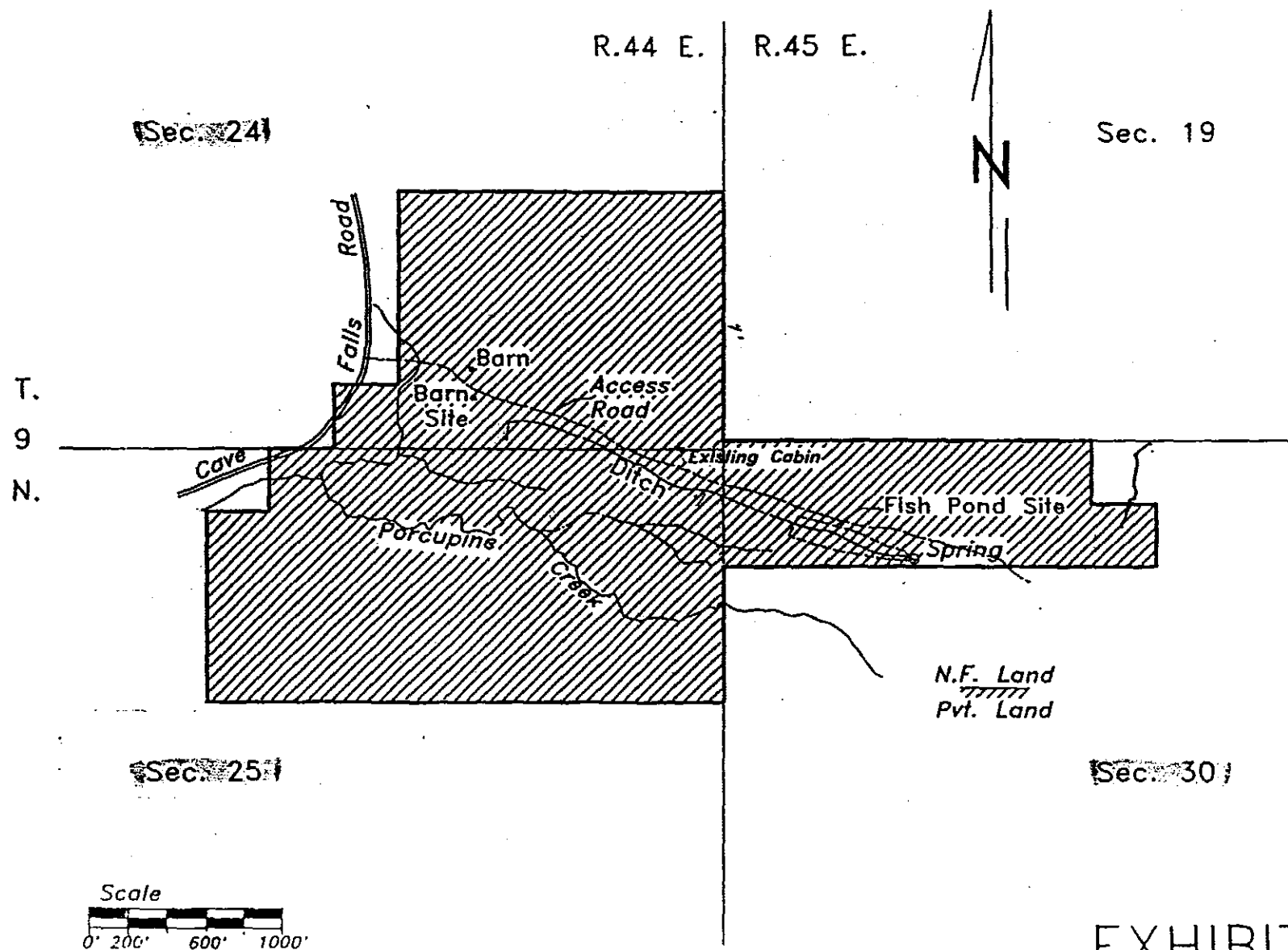
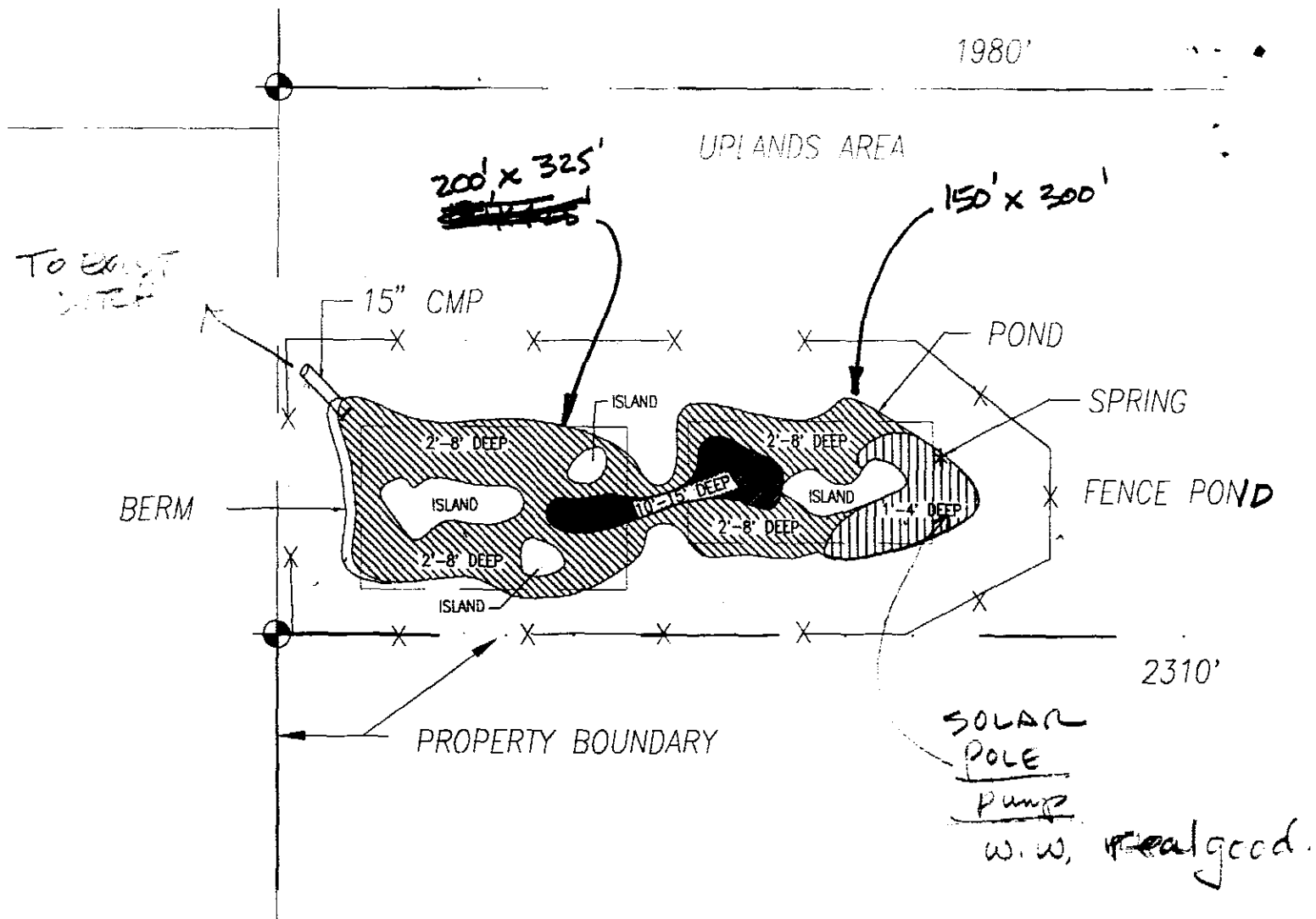


EXHIBIT B





2500' (approx)

PLAN

SECTION 30/TOWNSHIP 9N/RANGE 45E

TAKEN FROM USGS PORCUPINE LAKE QUADRANG
(IDAHO/FREMONT COUNTY 7.5 MINUTE SERIES TOF

CHANGE IN OWNERSHIP

[] Water Right Number(s): A21-11241

[] Name and Address of
Former Claimant: FORREST HOWELL

Box 602

ASHTON, ID 83420

[] New Claimant(s): WILLIAM F. DUKE, MD

[] New Mailing Address: 2067 E 1/2 Rd.

GRAND JUNCTION, CO

81503

New Telephone Number: (303) 242-7577

[] Does the change in ownership result in a splitting of the
water right claimed? yes A no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

[] Attach proof of ownership
Describe proof attached:

[] Signature of ^{ORIGINAL} ~~NEW~~ Claimant(s): X Forrest Howell

Date: X 7-28-89

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

MICROFILMED

OCT 23 1992