

T5040 HARTMAN RANCH

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5040
WATER RIGHT NO. 24-04016

RECEIVED
OCT 16 1997
Department of Water Resources
Eastern Region

This is to certify that: **HARTMAN RANCH LLC**
PO BOX 25177
JACKSON WY 83001

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	4.72 CFS	578.9 AF
RECREATION	04/15 to 10/15	0.28 CFS	44.1 AF
Totals		5.00 CFS	623.0 AF

SOURCE

ROCK CREEK

TRIBUTARY OF

CROW CREEK

Priority: 01/26/1903

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 28, Township 09S, Range 46E
CARIBOU 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>
09S	46E	21	NESW 29.0	SESW 30.0	NESE 38.0	
			NWSE 32.0			129.0
		22	SWNE 2.0	SWNW 3.4	SENW 31.0	36.4
Total number of acres irrigated:						165.4

PLACE OF USE: RECREATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	
09S	46E	21	NESW
		22	SWNW

CONDITIONS OF APPROVAL AND REMARKS

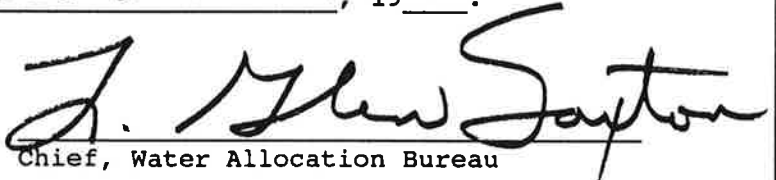
1. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

TRANSFER NO. 5040
WATER RIGHT NO. 24-04016

CONDITIONS OF APPROVAL AND REMARKS

3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. 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.
5. Approval of Transfer No. 5040 does not confirm Claimed Right No. 24-04016.

Dated this 10th day of October, 1997.


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE NO. 24-04016

FROM: PAM SKAGGS^{PS}/STATE OFFICE

SUBJECT: TRANSFER NO. 5040

DATE: September 17, 1997

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Transfer No. 5040 changes the place and nature of use under Right No. 24-04015. The irrigated acres are shifted slightly to reflect the acres confirmed through SRBA investigation. Two QQs (S1/2SE, S21) were apparently claimed in error and never irrigated under this system. 12.6 acres will cease irrigation to compensate for the new recreation use through 2 ponds.

This right is a statutory claim with a high rate of diversion. The rate is split disproportionately between the remaining irrigation and the recreation use. Season of use and diversion volume were identified at current standards. The recreation use is limited to the diversion volume available from the 12.6 acres taken out of production.

Recommended conditions include non-confirmation of claim, irrigation overlap and standard transfer conditions.

<u>Change in Nature of Use Evaluation</u>				
Original				
24-04016	5.00 cfs	IRR	229 acres	(801.5 afa)
Per Field Exam	5.00 cfs	IRR	178.0 "	(623.0 ")
After Transfer				
24-04016	4.72 "	IRR	165.4 "	578.9 "
	0.28 "	REC	(12.6 ")	44.1 "
Totals	5.00 cfs		165.4 acres	623.0 afa

$$\frac{5.0}{178} = 0.028 \text{ cfs/Ac}$$

$$\frac{4.72}{165} = 0.028 \text{ cfs/Ac}$$

Transfer No. 5040

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

MAR 12 1964

Name of applicant Hartman Ranch LLC **Phone** (307) 739-2224
Post Office address PO BOX 25177 Jackson WY 83001

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 We wish to make 2 wildlife habitat ponds. This is in conjunction with the HIP program with ID Fish & Game. We will give up portions of the irrigation rights and change the nature of use to recreation.

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 |
|--|-----------|-----------------------|------------------|----------------|
| 24-04016B | 1/26/1903 | 0.28 cfs | Recreation | 04-01 to 10-31 |
| | | | | to |
| 24-04016A | 1/26/1903 | 4.72 cfs | Irrigation | 04-01 to 10-31 |
| | | | | to |
| 2. Total amount of water being transferred <u>5.00 cfs</u> cubic feet per second and/or <u>44.1</u> acre-feet per annum. | | | | |
| 3. Source of water <u>Rock Creek (AKA Horse Creek)</u> tributary to <u>Crow Creek</u> | | | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	46E	21									R								
		22							R										
9S	46E	21									29			30	38	32			129
		22			2				3.4	31									36.4

TOTAL	165 A
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PART 1**6. General Information:**

a. Description of diversion system _____

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ 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:

12.6 acres of irrigated ground will be excavated and used as wildlife habitat ponds.

d. Remarks:

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____.

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 24-04016

STAGE: STATUTORY CLAIM

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 08/01	5.00 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
HORSE CREEK	CROW CREEK

Priority: 01/26/1903

LOCATION OF POINT(S) OF DIVERSION:NENW , Sec. 28, Township 09S, Range 46E
CARIBOU CountyPLACE OF USE: IRRIGATION

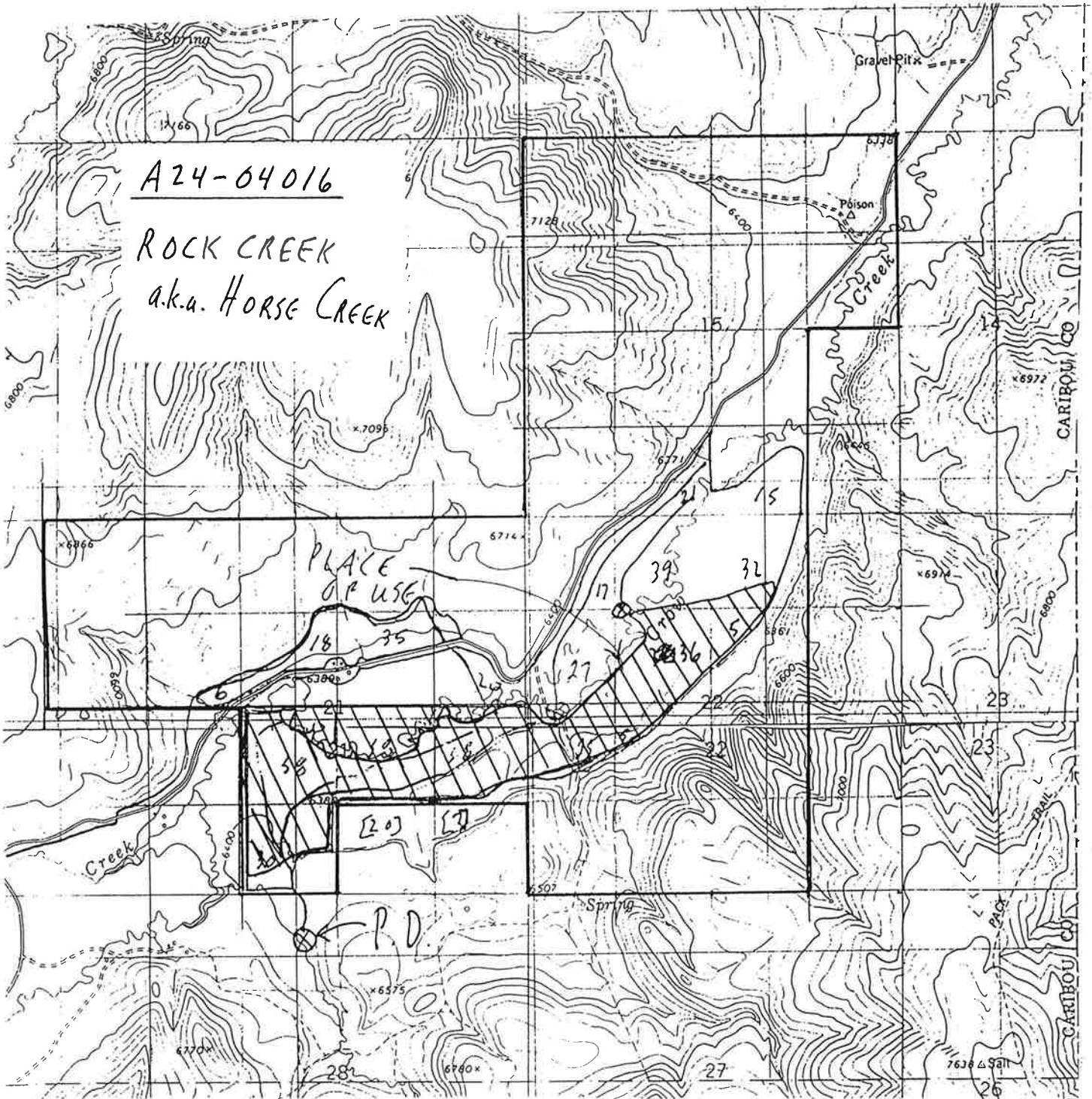
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	46E	21	NESW 38	SESW 30	NESE 38	
			NWSE 38	SWSE 20	SESE 7	171
		22	SWNE 5	SWNW 17	SENE 36	58
Total number of acres irrigated:						229

CONDITIONS/REMARKS:

1. 2 DIVERSION POINTS WITHIN NENW SEC 28 T 09S R 46E

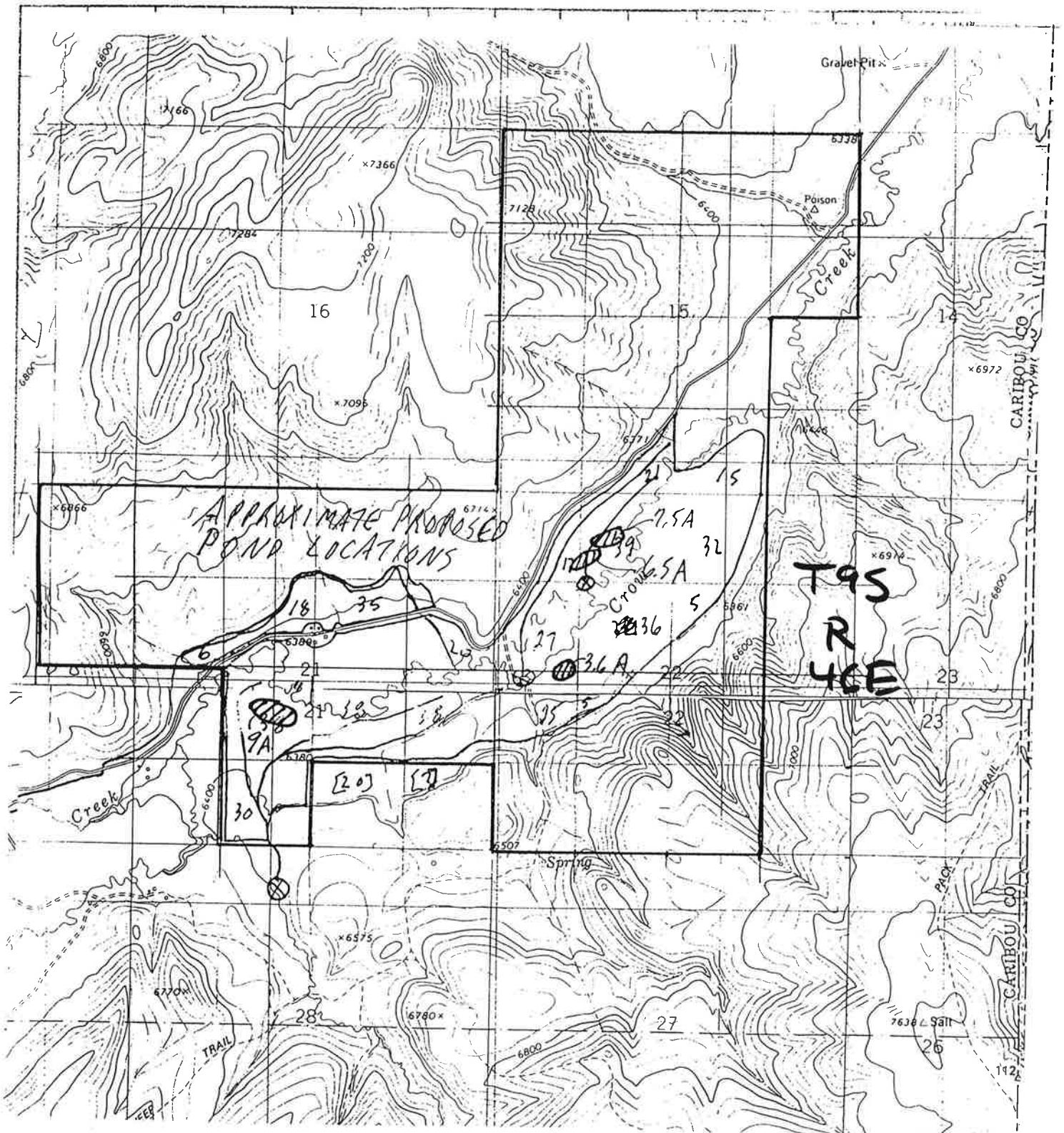
A24-04016

ROCK CREEK
a.k.a. HORSE CREEK



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.



PART 3**B. CHANGES IN NATURE OF USE**

	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
B	<u>Recreation</u>	<u>0.28 cfs</u>	<u>24 hrs/day</u>	<u>04-01</u> to <u>10-31</u> to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

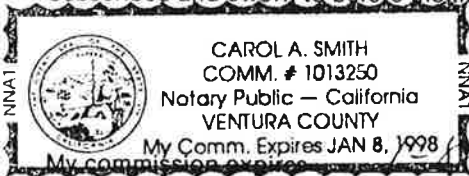
The total amount of irrigated acres will be reduced by 12.6 acres

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

W. E. Hentman General Partner
(Signature of Applicant)

Subscribed and sworn to before me this 11 day of March, 19 97.



Carol A. Smith
(Notary Public)

FOR DEPARTMENT USE ONLYTransfer contains 5 pages and _____ attachmentsReceived by HWT Date 3-12-97 Protest filed by _____Prelim. check by KW Fee \$100^{XX} _____Receipted by HWT #E023009 Date 3-12-97 _____Published in Caribou County Sun Copies of protest forwarded by _____Pub. dates April 17 & 24, 1997 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____