

T5392 YBARRONDO

JUN 17 1999

Department of Water Resources
Eastern Region

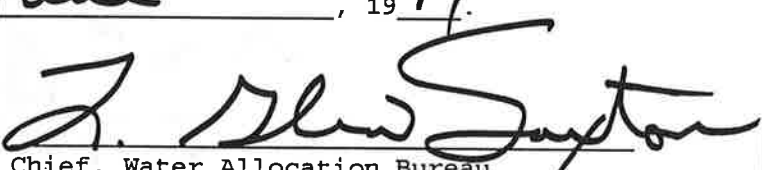
1. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. This right when 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^{PS}/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 arial 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 RESOURCESTransfer No. 5392
RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

JAN 22 1999

PART 1

Department of Water Resources
Eastern RegionName of applicant LARRY J. YBARRONDO Phone (208) 522-0290
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
<u>A21-11241</u>	<u>5/31/1935</u>	<u>0.85 cfs</u>	<u>Irrigation</u>	<u>4-15</u> to <u>10-15</u>
		<u>0.05 cfs</u>	<u>Recreation</u>	<u>1-1</u> to <u>12-31</u>
				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	55															
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. A21-11241 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/ae-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

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

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

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

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.

Larry J. Garraondo
(Signature of Applicant)

Subscribed and sworn to before me this 21st day of January, 19 99.

Kathie Snoden

My commission expires Aug. 9, 2001



FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by KWJ Fee \$100.00 E024735

Receipted by HWS Date 1/22/99

Published in Herald Chronicle Copies of protest forwarded by _____

Pub. dates Feb 17 & 24 1999 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____