

RECEIVED

Form AUG 04 2021
12/07

Ident No. 32-13399

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**NOTICE OF DIVERSION AS AN ALTERNATIVE TO
INSTREAM STOCKWATER USE**

(To provide notice of intent to divert surface water from a stream or riparian area to troughs or tanks as an alternative to instream use for the watering of livestock)

1. Name of right holder EGAN LAND AND CATTLE LLC Phone 208-680-5460
Mailing address 84 ROLAND RD. DUBOIS, ID 83423 Email eganlandandcattle@yahoo.com
2. Source of water supply Medicine Lodge Creek tributary to Sinks
3. Point of Diversion:
 - a) Is this notice based on an existing recorded instream stockwater right? If yes, provide the water right number _____
If no, describe the beginning and ending points for the instream stockwater use:
Beginning point is in Gov't. Lot _____, _____ 1/4 SE 1/4 NE 1/4,
Section 12, Township 11N Range 33E, B.M., Drinking location
CLARK County.
Ending point is in Gov't. Lot _____, _____ 1/4 NE 1/4 NE 1/4,
Section 18, Township 11N Range 34E, B.M., Drinking location
CLARK County.
 - b) Alternate point of diversion is in Gov't. Lot _____, _____ 1/4 SE 1/4 NE 1/4,
Section 12, Township 11N Range 33E, B.M.,
CLARK County.
4. Description of diversion and delivery system:
 - a) Describe the type of diversion Pump from creek
 - b) Describe the delivery system Pipe Line to stock water troughs
 - c) Describe the number, type and total capacity of troughs or tanks two troughs with 10,000 gallon storage tank

AMENDED

d) Describe the automatic shutoff or flow control mechanism or means of returning unused water to the source Water troughs have floats. Storage tank will drain down off hill to creek when not in use.

e) Describe how the system is designed to allow measurement of the rate of diversion using a piston pump at P.O.D That pumps approx 2 1/2 gal a minute

5. Describe the place of use by placing an X in the appropriate 40-acre tract(s) below:

TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
11N	34E	18								X	X							

6. Priority date claimed or established June 1, 1883

7. Rate of diversion 0.02 cfs

8. Season of use: from 06/15 to 12/1

9. a) Who owns the property at the point of diversion? Marlow Gobel

b) Who owns the property at the place of use? BLM

10. When will construction occur? August 2021.

11. Comments (include number and type of stock) Beef cattle 300 head. Right now cattle are watering directly out of the creek. Purpose of this diversion is to keep cattle on top of hill and keep the majority off creek.

12. Map of project required - Attach an 8 1/2"x11" map clearly identifying the location of the instream stockwater use and the locations of the alternative point(s) of diversion and stock trough(s). A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

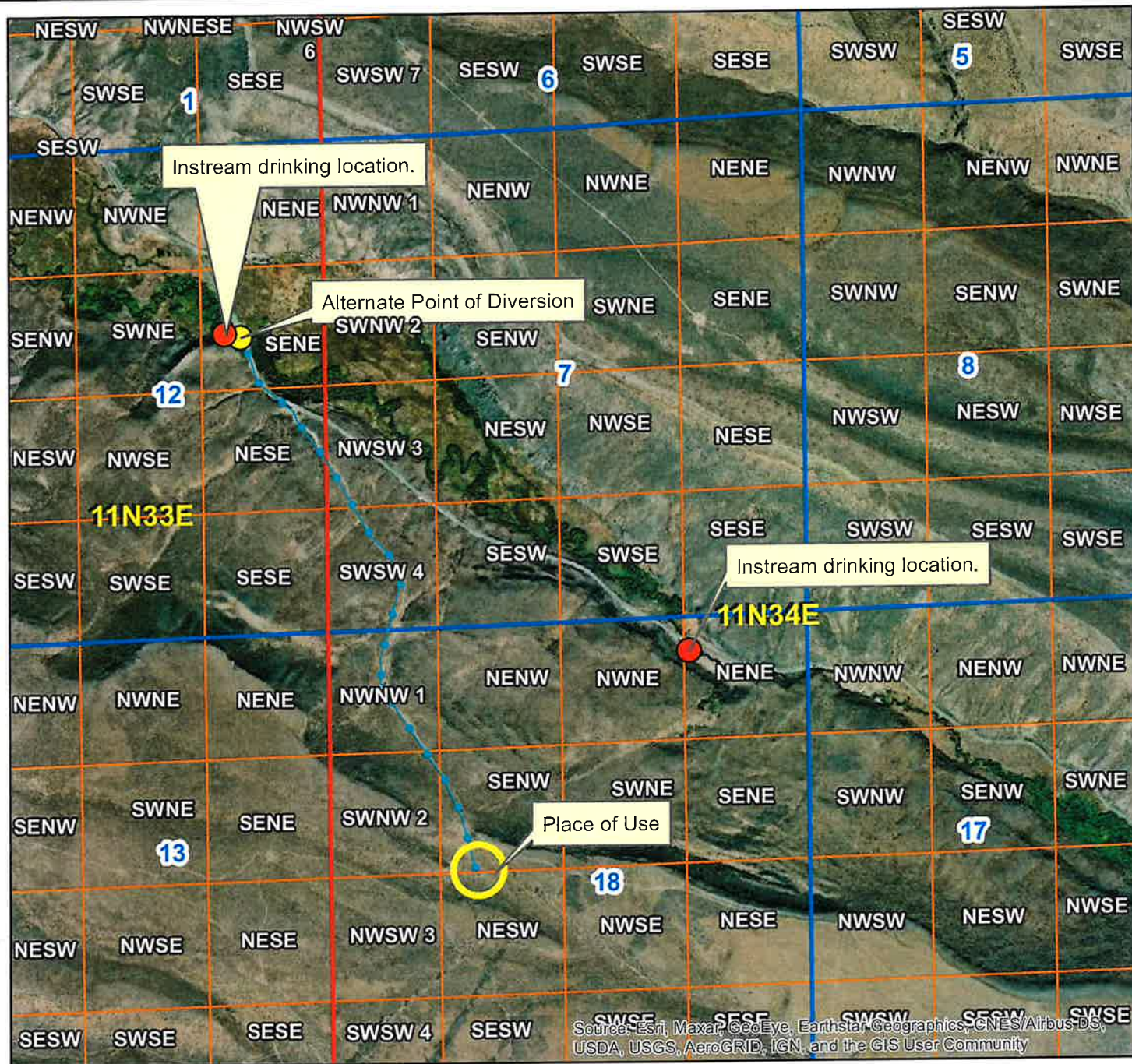
I hereby assert the following:

- a) Diversion is from a surface water source to which the livestock would otherwise have access. The land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which diversion is being made.
- b) The diversion of water out of the stream as described in this notice is for watering livestock and will not injure other water rights.
- c) I will not alter the bed and banks of the source as the term is defined in section 42-3802, Idaho Code. I understand that I may place an inlet conduit into the source in a manner that does not require excavation or obstruction of the stream channel, unless the director of the department of water resources approves a stream channel alteration permit for additional work.
- d) I understand that upon determination of interference with other water rights, the Director may order curtailment of diversion or use of water under this notice or may require the diversion and delivery system to be modified to prevent injury.
- e) I will not divert more than 13,000 gallons per day for livestock watering from this diversion, and I will not use more than one point of diversion under this notice.
- f) I am authorized to make the changes described in this notice and that if the notice involves a federal grazing allotment, the permittee consents to the changes described in this notice.
- g) I understand that any willful misrepresentation on this notice will void any right to divert water for livestock under this notice.

Dated this 16 day of July, 2021
Bruce Egan
Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by m. Pottis Date 7-16-21 Preliminary check by _____
Fee: \$ 25.00 Receipted by m. Pottis Receipt No. E049181 Date _____
Water District No. _____ Entered into data base _____ By _____



0 800.5 1,601 3,202 Feet

1 inch = 1,601 feet

- Township/Range
- Sections
- QQ





State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 20, 2021

Egan Land and Cattle LLC
84 Roland Rd
Dubois, ID 83423

RE: Notice of Diversion for Instream Stockwater Use 32-13399

Dear Water Right Holder:

The Department of Water Resources acknowledges receipt of the Notice of Diversion for Instream Stockwater you submitted under Section 42-113(3), Idaho Code. Please refer to the above referenced number in all future correspondence regarding this notice. Your notice will be retained in our files and will be available for reference at any time.

The filing of the notice does not confirm the validity of the water right. It will serve to record and preserve the information regarding the notice.

Please note that the diversion described in your notice may occur only if the following conditions are met:

- The water is diverted from a surface water source to a trough or tank through an enclosed water delivery system.
- The water delivery system is equipped with an automatic shutoff or flow control mechanism or includes a means for returning unused water to the surface water source through an enclosed delivery system, and the system is designed and constructed to allow the rate of diversion to be measured.
- The diversion is from a surface water source to which the livestock would otherwise have access and the watering tank or trough is located on land from which the livestock would have access to the surface water source from which the diversion is made.
- The diversion of water out of the stream in this manner does not injure other water rights.
- The use of the water diverted is for watering livestock.
- The bed and banks of the source shall not be altered as that term is defined in section 42-3802, Idaho Code, except that an inlet conduit may be placed into the source in a manner that does not require excavation or obstruction of the stream channel, unless additional work is approved by the director of the department of water resources.
- The amount of water diverted for watering of livestock in accordance with this subsection shall not exceed thirteen thousand (13,000) gallons per day per diversion.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Contact any regional office or visit us online at idwr.idaho.gov to obtain the proper forms and instructions.

Enclosed is a printout of your Notice of Diversion for Instream Stockwater Use for your records.
If you have questions, please call the department at (208) 525-7161.

Yours truly,



Christina Henman
Administrative Assistant

Enclosure

Copy: USDI, BLM, Idaho State Office
USDA Forest Service

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/4/2021

Water Right 32-13399

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EGAN LAND & CATTLE LLC 84 ROLAND RD DUBOIS, ID 83423-5005 (208) 680-5460

Priority Date: 6/1/1883

Basis: Statutory Claim

Status: Active

Source
MEDICINE LODGE CREEK

Tributary
SINKS

Beneficial Use

STOCKWATER

From

06/15

To

12/01

Diversion Rate

0.020 CFS

Volume

Total Diversion

0.020 CFS

Source and Point(s) of Diversion

MEDICINE LODGE CREEK

SENE

Sec. 12, Twp 11N, Rge 33E, CLARK County

Place Of Use

STOCKWATER within CLARK County

T11N R34E S18 SENW

T11N R34E S18 NESW

Conditions of Approval:

1. 107 This notice was filed in accordance with Idaho Code § 42-113(3). Diversion and use of water in accordance with this notice shall not exceed 13,000 gallons per day for stockwater use. The water delivery system established in accordance with this notice shall be fully enclosed and shall be equipped with an automatic shutoff valve or a mechanism for returning unused water to the source through an enclosed system. The water delivery system shall be designed to facilitate measurement of the rate of flow through the system.

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

September 21, 2021

STEVEN SPENCER
UNITED STATES FOREST SERVICE
161 EAST MALLARD DR., STE 110
BOISE, ID 83706

FRED PRICE
USDI, BLM, IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709

RE: Notice of Diversions for Instream Stockwater Use 29-14387, 32-13399, & 23-11498

Dear Interested Party:

The Department of Water Resources has received the enclosed Notices of Diversion for Instream Stockwater, submitted under Section 42-113(3), Idaho Code. Please refer to the above referenced numbers in all future correspondence regarding these notices. These notices will be retained in our files and will be available for reference at any time.

If you have questions, please call the department at (208) 525-7161.

Thank You,

Christina Henman
Administrative Assistant

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Form 113

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JUL 16 2021

Ident No. 32-13399

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Eastern Region

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DEPARTMENT OF WATER RESOURCES

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SUPERCEDED

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6. Priority date claimed or established March 1 1882

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