

SEP 01 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 85085Department of Water Resources
Eastern Region**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Brion Egan, Deanna Egan, Brock Egan and Kodi Egan**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.**Yes ☐ N/A ☐ * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☒ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Brion Egan, Deanna Egan, Brock Egan and Kodi Egan

Phone _____

Mailing address 84 ROLAND RD; DUBOIS, ID 83423

Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____

Phone _____

Mailing address _____

Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other document giving authority to sign for the applicant and label it **Attachment #4**.

RE

SEP 01 2021

Department of Water Resources
Eastern Region

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Brion Egan
Signature of Applicant or Authorized Representative

Kodi Egan
Brock Egan member
Print Name and Title if applicable

08-31-2021
Date

Deanna Egan
Signature of Applicant or Authorized Representative

Brion Egan member
Print Name and Title if applicable

08-31-2021
Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☐ Change nature of use ☐ Change period of use ☐ Other _____
- Is this a transfer for changes pursuant to [Idaho Code § 42-221.0.8](#)?

If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

This transfer proposes to rearrange the place of use by moving 14.0 acres from the SESE Section 6, 10N, 35E, to the NWNW, Section 32, 11N, 35E. The 14.0 acres being moved are flood irrigated during. Irrigation of these acres occur when sufficient water is available in Medicine Lodge Creek. Stockwater POU will be the same as irrigation.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 01 2021

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

Department of Water Resources
Eastern Region

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	32-25	3.36	Irrigation	04/01 to 10/31	Medicine Lodge Creek
☒ ☐	32-25	0.02	Stockwater	04/01 to 10/31	Medicine Lodge Creek
☒ ☐	32-43	2.0	Irrigation	04/01 to 10/31	Medicine Lodge Creek
☒ ☐	32-43	0.02	Stockwater	04/01 to 10/31	Medicine Lodge Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 5.36 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.26 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	35E	6													25	38	37	22	122
11N	35E	31	40	39	38	40													157
11N	35E	32						14											14
Total Acres (for irrigation use)																			293

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a.** Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

water is Diverted from Medicine Lodge Creek at an existing POD then runs over weir for measurement, POD is a concrete Check with Head Gate

- b.** Who owns the property at the point(s) of diversion? N/A PODs not changing.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c.** Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☒ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: Rabo AgriFinance LLC; Mortgage.

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d.** Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete [Attachment WSB](#).

- e.** Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Land will no longer be irrigated.

- f.** Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- g.** To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

Idaho Department of Water Resources

WATER RIGHT REPORT

8/12/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 32-25

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DEANNA EGAN 84 ROLAND RD DUBOIS, ID 83423-5005 2083515460
Current Owner	BRION D EGAN
Current Owner	BROCK P EGAN
Current Owner	KODI J EGAN 84 ROWLAND RD DUBOIS, ID 83423 2083745460
Original Owner	JACK MC GARRY HC 61 BOX 1080 DUBOIS, ID 83423 2083745470
Security Interest	BANK OF IDAHO 399 N CAPITAL AVE IDAHO FALLS, ID 83402-3632 2085283013
Security Interest	RABO AGRIFINANCE LLC 14767 NORTH OUTER 40 RD STE 400 CHESTERFIELD, MO 63017-2003 (208) 737-6855

Priority Date: 10/01/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MEDICINE LODGE CREEK	SINKS

85085

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.36 CFS	
STOCKWATER	04/01	10/31	0.02 CFS	
Total Diversion			3.36 CFS	

Location of Point(s) of Diversion:

MEDICINE LODGE CREEK NESE Sec. 06 Township 10N Range 35E CLARK County
 MEDICINE LODGE CREEK NENW Sec. 25 Township 11N Range 34E CLARK County
 MEDICINE LODGE CREEK SWNESE Sec. 25 Township 11N Range 34E CLARK County

STOCKWATER Use:

Number of stock: 500

Place(s) of use:

Place of Use Legal Description: IRRIGATION CLARK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
10N	35E	6		NESE	25		NWSE	38		SWSE	37		SESE	36
11N		31		NENE	40		NWNE	39		SWNE	38		SENE	40

Total Acres: 293

Conditions of Approval:

1. The total instantaneous diversion of water from the point of diversion located in NENW, Sec 25, T11N, R34E shall not exceed 4.0 cfs.
2. X35 Rights 32-25 and 32-43 when combined shall not exceed the irrigation of 293 acres.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. R63 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.
6. The total instantaneous diversion of water from the point of diversion located in NESE, Sec 6, T10N, R35E shall not exceed 2.44 cfs.
7. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 32C.

10.004 | This right does not grant any right-of-way or easement across the land of another.

Dates:

Licensed Date:

Decreed Date: 10/27/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number: 32C

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 293

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

85085

Idaho Department of Water Resources

WATER RIGHT REPORT

8/12/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 32-43

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DEANNA EGAN 84 ROLAND RD DUBOIS, ID 83423-5005 2083515460
Current Owner	BRION D EGAN
Current Owner	BROCK P EGAN
Current Owner	KODI J EGAN 84 ROWLAND RD DUBOIS, ID 83423 2083745460
Original Owner	JACK MC GARRY HC 61 BOX 1080 DUBOIS, ID 83423 2083745470
Security Interest	BANK OF IDAHO 399 N CAPITAL AVE IDAHO FALLS, ID 83402-3632 2085283013
Security Interest	RABO AGRIFINANCE LLC 14767 NORTH OUTER 40 RD STE 400 CHESTERFIELD, MO 63017-2003 (208) 737-6855

Priority Date: 10/15/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MEDICINE LODGE CREEK	SINKS

5085

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Conversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2 CFS	
STOCKWATER	04/01	10/31	0.02 CFS	
Total Diversion			2 CFS	

Location of Point(s) of Diversion:

MEDICINE LODGE CREEK NESE Sec. 06 Township 10N Range 35E CLARK County
 MEDICINE LODGE CREEK NENW Sec. 25 Township 11N Range 34E CLARK County
 MEDICINE LODGE CREEK SWNESE Sec. 25 Township 11N Range 34E CLARK County

STOCKWATER Use:

Number of stock: 800

Place(s) of use:

Place of Use Legal Description: IRRIGATION CLARK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
10N	35E	6		NESE	25		NWSE	38		SWSE	37		SESE	36
11N		31		NENE	40		NWNE	39		SWNE	38		SENE	40

Total Acres: 293

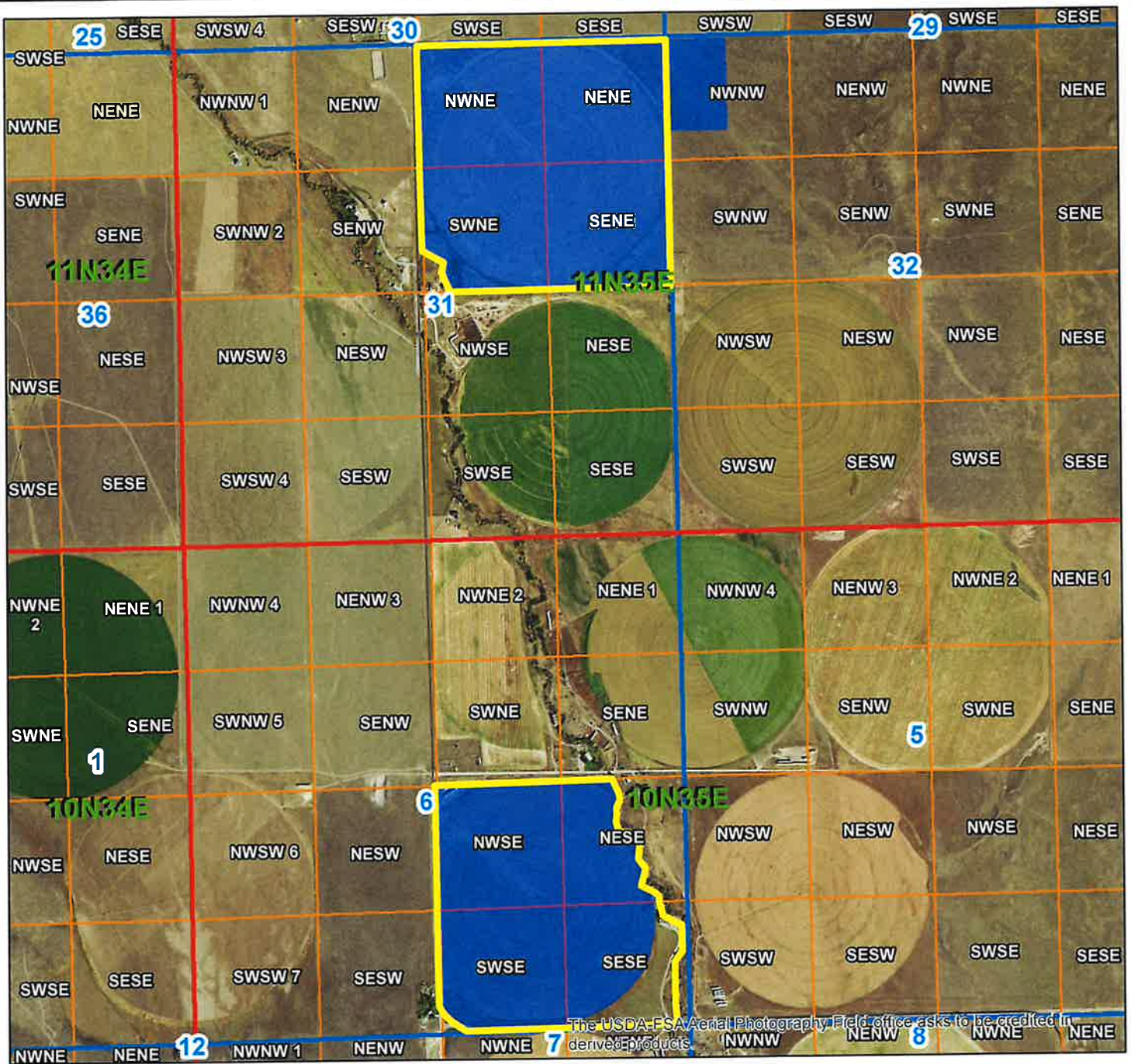
Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. R63 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. X35 Rights 32-25 and 32-43 when combined shall not exceed the irrigation of 293 acres.
6. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 32C.
7. The total instantaneous diversion of water from the point of diversion located in NESE, Sec 6, T10N, R35E shall not exceed 2.44 cfs.
8. The total instantaneous diversion of water from the point of diversion located in NENW, Sec 25, T11N, R34E shall not exceed 4.0 cfs.
9. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

85085

10.004 This right does not grant any right-of-way or easement across the land of another.

Dates:**Licensed Date:****Decreed Date:** 10/27/2000**Enlargement Use Priority Date:****Enlargement Statute Priority Date:****Water Supply Bank Enrollment Date Accepted:****Water Supply Bank Enrollment Date Removed:****Application Received Date:****Protest Deadline Date:****Number of Protests:** 0**Other Information:****State or Federal:** S**Owner Name Connector:** And**Water District Number:** 32C**Generic Max Rate per Acre:** 0.02**Generic Max Volume per Acre:** 3.5**Combined Acres Limit:** 293**Combined Volume Limit:****Combined Rate Limit:****Civil Case Number:****Old Case Number:****Decree Plaintiff:****Decree Defendant:****Swan Falls Trust or Nontrust:****Swan Falls Dismissed:****DLE Act Number:****Cary Act Number:****Mitigation Plan:** False



0 794.5 1,589 3,178 Feet
1 inch = 1,589 feet

- Current Place of Use 32-25, 32-43
- Proposed Place of Use 32-25, 32-43
- Township/Range
- Sections
- QQ





Rabo AgriFinance

Rabo AgriFinance LLC

Charles Hopkins

VP – Relationship Manager

Office 970 Pier View Drive, Suite B

Address Idaho Falls, ID 83402

Cell 208-520-9280

Tel 208-552-6301

Fax 855-631-0229

Email charles.hopkins@raboag.com

www.raboag.com

August 30, 2021

Brion Egan, Deanna Egan, Brock Egan and Kodi Egan
84 Roland Rd
Dubois, ID 83423

Re: Transfer of Water Right 32-25 and 32-43

Dear Brion, Deanna, Brock and Kodi:

The above referenced water rights are subject to a mortgage with Rabo AgriFinance. Please consider this letter as confirmation that Rabo AgriFinance consents to the transfer of water right no. 32-25 and 32-43 to the subject property owned by Brion Egan et al in accordance with the terms outlined in the attached Application For Transfer of Water Right. Most notably, after said transfer, water right no. 32-25 and 32-43 will remain subject to the mortgage with Rabo AgriFinance.

If you have any questions concerning this matter, please contact me.

Thank you for your assistance.

Sincerely,

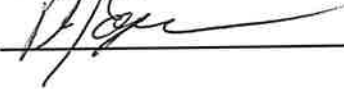
Charles Hopkins
Vice President
208-552-6301

85085

To, Bake Jordan
Water Rights Supervisor
Idaho Dept. of Water Resources
900 N Skyline Dr. Ste A
Idaho Falls, ID 83402
208-497-3777

Currently a small fraction of water rights 32-25 and 32-43 overlap property owned by us (D J Egan and Katie Jill Egan). This Letter is to inform all parties that the water rights 32-25 and 32-43 were not conveyed to the land in question, that was quick claimed to us from the previous owners, and we, D J Egan and Katie Jill Egan, relinquish any and all ownership of water rights 32-25 and 32-43 and consent to the transfer of water rights 32-25 and 32-43.

D J EGAN



KATIE JILL EGAN