

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NO.: 32-7081D)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-32-13

A drought emergency has been declared for Clark County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

Idaho Code §42-222A provides that upon declaration of a drought emergency, the director of the Department of Water Resources is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights when the director determines that such changes can be accomplished in accordance with the provisions of Idaho Code §42-222A; and

On May 24, 2021, Egan Land & Cattle LLC / Brion Egan submitted the attached Temporary Change Application to the Department; and

The Department has reviewed the application and has determined the application can be approved with certain conditions;

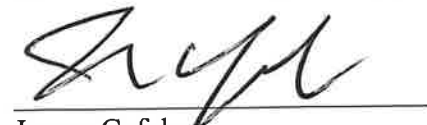
ORDER

IT IS HEREBY ORDERED that the application is APPROVED subject to the following conditions:

1. Diversion and use of Right No(s). 32-7081D is authorized only at the point of diversion and place of use described on the application.
2. This temporary change approval does not authorize construction of a new well or diversion works as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses which normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

5. Right 32-7081D is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season. Rights 32-29, 32-30, 32-31, 32-7081C and 32-7081D when combined shall not exceed a total diversion rate of 3.50 cfs and the irrigation of 294 acres.
6. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
7. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the consent of such corporation or irrigation district.
8. The applicant agrees to hold the Director and the State of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
9. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
10. The watermaster of Water District No. 110 is authorized to administer the temporary change approval.
11. This temporary change approval expires on October 15, 2021 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 28th day of May, 2021.



James Cefalo
Eastern Region Manager

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAY 24 2021

TC-32-13

TEMPORARY CHANGE APPLICATION

Department of Water Resources
Eastern Region

(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

Name of Applicant Egan Land and Cattle LLC / Brion Egan Phone 208-680-5460
Mailing Address 84 Roland Road, Dubois, Idaho Email eganlandcattle@yahoo.com

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and explain the reason(s) they are needed. We are in a drought
My Well #1. will not produce the amount of water it is licensed
for because of restrictions in the well casing. Want to increase
capacity in well 2. which is one half mile away to compensate for water
loss

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>32-7081D</u>	<u>06/20/1977</u>	<u>1.95</u>	<u>Irrigation</u>	<u>04/15</u> to <u>10/15</u>
				to
				to
				to

2. Total amount of water being transferred 1.95 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to Sinks

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
<u>10W</u>	<u>3SE</u>	<u>17</u>			<u>NW</u>	<u>NW</u>	<u>Clark</u>	<u>Groundwater</u>	<u>Wm. 5# 1001899</u>
<u>10N</u>	<u>3SE</u>	<u>17</u>			<u>SE</u>	<u>NW</u>	<u>CLARK</u>	<u>GROUND WATER</u>	<u>CURRENT POD</u>
									<u>(FROM MAP)</u>

5. Lands irrigated or place of use: No Change

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	

Total Acres _____

6. General Information:

- a. Who owns the water right to be changed? Brion D Egan
- b. Describe the arrangement allowing use of the right. _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
No Change
- d. Has the water right sought to be transferred been used this year? ☐ Yes ☒ No If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? Only Diverted
out of Current Point of Diversion Location
- f. Describe other water rights used for the same purpose. 32-7081C. Used at the
- g. Remarks: Current POD: Current Point As 32-7081D
Surface water Rights 32-29, 32-30, 32-31 Same Point
As 32-7081C i 32-7081D

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and 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.

Brion Egan
Signature of Applicant

05/24/2021
Date

FOR DEPARTMENT USE ONLY

Received by JB Date 5/24/2021 \$50 fee received by JB Receipt No. E046990
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. _____, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____.

For the Director

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECOMMENDATION OF WATERMASTER

Application No: TC-32-13

Applicant's Name: EGAN LAND + CATTLE / BRION EGAN

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows: _____

- c) ☐ I oppose approval of this application for the following reasons: _____

- d) ☐ Additional Comment: _____

Dated this 27th day of May, 2021.

Water District No: 110

Blake Jordan

Blake Jordan
Watermaster's Signature

Use reverse side of page if you need more space.