

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**  
To appropriate the public waters of the State of Idaho

Ident. No. 29-14340

1. Name of applicant(s) Potter Creek Ranch, L.C. Phone \_\_\_\_\_  
Name connector (check one): ☐ and ☐ or ☐ and/or  
Mailing address PO Box 540478 City North Salt Lake  
State UT ZIP 84054 Email \_\_\_\_\_
2. Name of representative, if any Luke H. Marchant Phone (208) 523-0620  
Mailing address PO Box 50130 City Idaho Falls  
State ID ZIP 83405 Email lmarchant@holdenlegal.com
- a. ☐ 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.
- b. ☐ 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 documentation.
3. Source of water supply Potter Creek which is a tributary of March Creek
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
11S	36E	15			NW	NW	Bannock	Potter Creek	

5. Water will be used for the following purposes:
- Amount 27 AF for Recreation Storage purposes from 01/01 to 12/31 (both dates inclusive)  
(cfs or acre-feet per year)
- Amount 27 AF for Aesthetic Storage purposes from 01/01 to 12/31 (both dates inclusive)  
(cfs or acre-feet per year)
- Amount 27 AF for Stockwater Storage purposes from 01/01 to 12/31 (both dates inclusive)  
(cfs or acre-feet per year)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) \_\_\_\_\_ cubic feet per second (cfs) and/or (b) 27 acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. An existing earthen dam will be used to create an instream pond with a surface area of approximately 2.7 acres.
- b. Height of storage dam 25 feet; active reservoir capacity 27 acre-feet; total reservoir capacity 27 acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate [Application for Construction or Enlargement of a New or Existing Dam](#). Application required? ☐ Yes ☐ No
- c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? \_\_\_\_\_; drilling firm \_\_\_\_\_;  
well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_

For Department Use

Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_  
Fee \$ 250.- Receipted by JB Receipt No. F046152 Date 7/31/20

29-14340

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in kW. \_\_\_\_\_
- Stockwatering; list number and kind of livestock. \_\_\_\_\_
- Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
- Domestic; show number of households \_\_\_\_\_
- Other; describe fully. Recreation, Aesthetics, and Stockwater

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	15						R,A,S											
		16	R,A,S																

Total number of acres to be irrigated: \_\_\_\_\_

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? \_\_\_\_\_

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? \_\_\_\_\_

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: \_\_\_\_\_

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. An existing earthen dam that has never been used will be restored to create an in-stream pond with a surface area of approximately 2.7 acres for stockwater, recreation and aesthetic purposes.

13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

**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.**

Luke H. Marchant  
Signature of Applicant

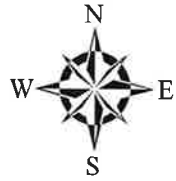
Luke H. Marchant, Attorney  
Print Name (and title, if applicable)

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Print Name (and title, if applicable)

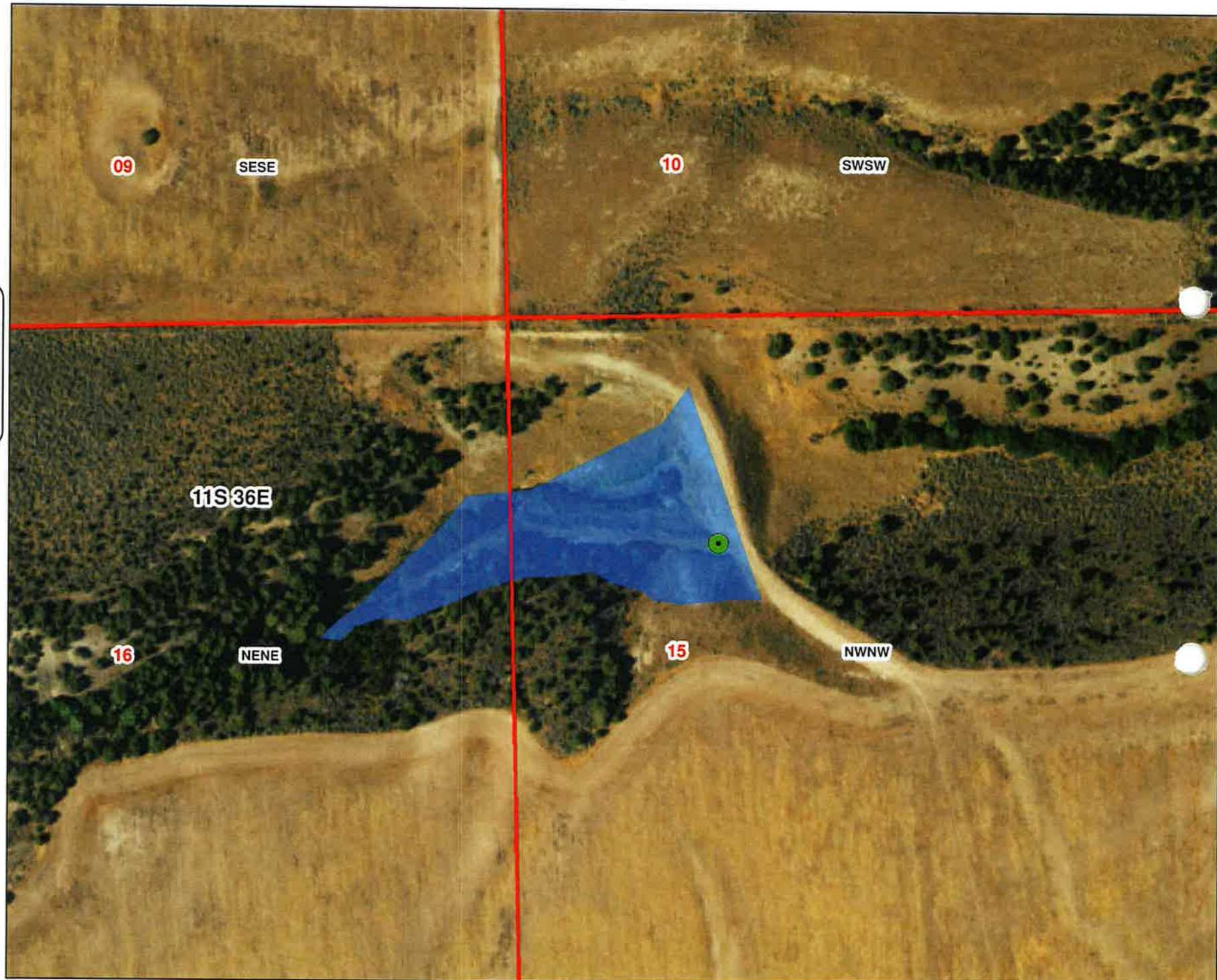


# POTTER CREEK RANCH LC - Application for Permit



**Legend**

- Proposed POD
- Proposed Pond Site
- TR Lines
- Section Lines
- Quarter Quarters



29-14340

2019 NAIP Photo



Prepared by:  
Luke H. Marchant  
7/21/2020

**EGAN FARMS, LLC  
c/o WILLIAM A. EGAN  
1451 West Hawkings Road  
Arimo, ID 83214**

October 29, 2020

James Cefalo

Via Email: [james.cefalo@idwr.idaho.gov](mailto:james.cefalo@idwr.idaho.gov)

IDAHO DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Ste. A

Idaho Falls, ID 83402

Re: Consent to Application for Permit No. 29-14340.

Dear James:

As you are aware, Potter Creek Ranch, L.C. has filed an application for permit to appropriate water for a 27 acre-foot reservoir on Potter Creek. It is my understanding that this application has been assigned number 29-14340.

You are also aware that I, as the then owner of water right 29-4382 (which has since been transferred to our Egan Farms LLC entity) contested a similar application filed by Diamond T Ranch in 2005.

We have been working with Potter Creek Ranch, L.C. on a new stockwater system involving our water right (29-4382) on Potter Creek and have entered into an agreement with them which provides our consent for their proposal for the new reservoir. We do not object to the construction of this reservoir, nor will we protest their Application for Permit No. 29-14340.

If you have any questions, do not hesitate to contact me at 208-317-7809 or my son Wade Egan at 208-681-3423 or [eganww@cablone.net](mailto:eganww@cablone.net).

Best regards,

EGAN FARMS LLC

By: William A Egan  
William A. Egan, Manager



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

November 25, 2020

POTTER CREEK RANCH LC  
PO BOX 540478  
N SALT LAKE, UT 84054-0478

RE: Application for Permit No. 29-14340

Dear Applicant:

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATE JOURNAL on 12/2/2020 and 12/9/2020. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in black ink, appearing to read 'CH' followed by a stylized flourish.

Christina Henman  
Administrative Assistant

## Henman, Christina

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**From:** Henman, Christina  
**Sent:** Wednesday, November 25, 2020 12:19 PM  
**To:** 'evankris@isu.edu'  
**Subject:** Application for Permit of 29-14340  
**Attachments:** RecommendationForm New Appropriation4.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 DAYS of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 DAYS from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

**Henman, Christina**

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**From:** Henman, Christina  
**Sent:** Wednesday, November 25, 2020 12:46 PM  
**To:** IDAHO STATE JOURNAL (legalnotices@postregister.com)  
**Subject:** Legal Notice for Idaho State Journal  
**Attachments:** Idaho State Journal 29-14340, 84388, 84504, 84527.docx

LEGAL NOTICE DEPARTMENT  
IDAHO STATE JOURNAL  
PO BOX 431  
POCATELLO, ID 83204-0431

RE: Application for Permit No. 29-14340

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 12/21/2020. Your cooperation is appreciated.

Thank You,

Christina Henman  
Administrative Assistant  
Idaho Dept. of Water Resources, Eastern Region  
900 N Skyline Ste. A  
Idaho Falls, ID 83402  
Phone: (208) 497-3793



The following application(s) have been filed to appropriate the public waters of the State of Idaho:

**29-14340**

POTTER CREEK RANCH LC

PO BOX 540478

N SALT LAKE, UT 84054-0478

Point of Diversion NWNW S15 T11S R36E BANNOCK County

Source POTTER CREEK Tributary MARSH CREEK

Use: AESTHETIC STORAGE

01/01 to 12/31

27 AF

Use: RECREATION STORAGE

01/01 to 12/31

27 AF

Use: STOCKWATER STORAGE

01/01 to 12/31

27 AF

Total Diversion:

27 AF

Date Filed: 07-31-2020

Place Of Use: AESTHETIC STORAGE, RECREATION STORAGE, STOCKWATER STORAGE

T11S R36E S15

NWNW

Place Of Use: AESTHETIC STORAGE, RECREATION STORAGE, STOCKWATER STORAGE

T11S R36E S16

NENE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 12/21/2020. The protestant must also send a copy of the protest to the applicant.

#### **NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

##### **TRANSFER NO. 84388**

POTTER CREEK RANCH LC, PO BOX 540478, N SALT LAKE, UT 84054-0478 has filed Application No. 84388 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-2295F; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change the point of diversion and place of use. Proposed point of diversion is in T11S R36E Sec 11 NWSE for 0.18 cfs from Marsh Creek. Proposed place of use is in NWSE, SWSE Sec 11 and NWNE Sec 14 T11S R36E for the irrigation of 9 acres.

##### **TRANSFER NO. 84504**

EGAN FARMS, LLC, 1451 W HAWKINS ROAD, ARIMO, ID 83214 has filed Application No. 84504 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-4382; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion, add points of diversion, change nature of use, and change place of use. Proposed points of diversion are in NESE Sec 10, NESW Sec 11, SENW and SWNE Sec 17 T11S R36E for 0.2 cfs from Shives Spring and Potter Creek. Proposed place of use is for 4 acres of Irrigation in NWSW Sec 11 T11S R36E, and Stockwater (new use) in Sec 29 and 32 T10S R36E and Sec 4, 5, 8, 9, 10, 11, 14, 15, 16, 17 and 23 T11S R36E.

##### **TRANSFER NO. 84527**

BRADLEY R HOGGAN and CATHY P HOGGAN, PO BOX 174, FIELDING, UT 84311-0174 has filed Application No. 84527 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-11409; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change place of use. The proposed place of use for the irrigation of 5 acres is in NWNW Sec 14 and NENE Sec 15, T11S R37E. The proposed place of use for stockwater is in NWNW and SWNE Sec 14 T11S R37E.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 12/21/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 12/2/2020 and 12/9/2020