

**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 [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

Name of Applicant(s) Egan Farms, LLC

**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 [www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm](http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm).
- ☐ ☒ #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 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: Consent from landowner at proposed place of use to transfer.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Egan Farms, LLC Phone \_\_\_\_\_

Mailing address 1451 W Hawkins Rd., Arimo, ID 83214 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 Luke H. Marchant Phone (208) 523-0620

Mailing address PO Box 50130, Idaho Falls, ID 83405 Email lmarchant@holdenlegal.com

- ☐ 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 documentation providing authority to sign for the applicant and label it **Attachment #4**.

**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.**

  
Signature of Applicant or Authorized Representative

Luke H. Marchant, Attorney  
Print Name and Title if applicable

July 31, 2020  
Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative

\_\_\_\_\_  
Print Name and Title if applicable

\_\_\_\_\_  
Date

### 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 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.2**.  
 This Application will change the place of use, point of diversion, nature of use and period of use for a portion of Water Right No. 29-4382. The change in nature of use and period of use is to make a change from irrigation to stockwater for a new stockwater system that will be installed.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT

### PART 1 Continued

**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<br>(cfs/ac-ft) | Nature of Use | Period of Use  | Source & Tributary          |
|---|--------------|-----------------------|---------------|----------------|-----------------------------|
| All or Part<br><input type="checkbox"/> <input checked="" type="checkbox"/> | 29-4382      | 0.08 cfs              | Irrigation    | 04/01 to 10/31 | Potter Creek/Marsh Creek    |
| <input type="checkbox"/> <input checked="" type="checkbox"/>                | 29-4382      | 0.12 cfs              | Stockwater    | 01/01 to 12/31 | Shrives Spring/Potter Creek |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                             |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                             |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                             |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                             |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                             |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                             |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                             |

Total authorized under rights 0.2 cfs and/or \_\_\_\_\_ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.2 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 # |
|-------|-----|---|----|----|-----|-----|-----|---------|----------------|---------------------|
| Y     |     |   | NE | SE | 10  | 11S | 36E | Bannock | Potter Creek   |                     |
|       |     |   | NE | SW | 11  | 11S | 36E | Bannock | Potter Creek   |                     |
| Y     |     |   | SE | NW | 17  | 11S | 36E | Bannock | Shrives Spring |                     |
| Y     |     |   | SW | NE | 17  | 11S | 36E | Bannock | Shrives Spring |                     |
|       |     |   |    |    |     |     |     |         |                |                     |

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 |             |
| 10S                              | 36E |     | SEE ATTACHED SPREADSHEET |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |                          |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |                          |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |                          |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |                          |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |                          |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
| Total Acres (for irrigation use) |     |     |                          |    |    |    |      |    |    |    |      |    |    |    |      |    |    | 4  |             |

### **PART 1.B.4**

#### **Description of Place of Use**

| 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 |             |
| 10S                              | 36E | 29  |      |    |    |    |      |    |    |    |      | S  |    | S  |      |    |    |    |             |
|                                  |     | 32  |      |    |    |    |      |    |    |    |      |    | S  |    |      | S  | S  |    |             |
| 11S                              | 36E | 4   |      |    |    |    |      |    | S  | S  |      |    |    |    |      | S  |    |    |             |
|                                  |     | 5   |      |    | S  |    |      |    |    | S  |      |    |    |    | S    |    | S  |    |             |
|                                  |     | 8   | S    |    |    |    |      |    |    | S  |      |    |    | S  | S    |    |    |    |             |
|                                  |     | 9   | S    |    |    |    |      |    |    | S  |      |    | S  |    |      |    |    |    |             |
|                                  |     | 10  | S    |    |    | S  |      |    |    | S  |      |    |    |    |      | S  |    |    |             |
|                                  |     | 11  |      |    |    |    |      |    |    | S  | 4    |    | S  |    |      |    |    |    | 4           |
|                                  |     | 14  |      |    |    |    | S    |    |    |    |      |    |    |    |      |    | S  |    |             |
|                                  |     | 15  | S    | S  |    |    |      |    |    |    | S    | S  |    |    |      |    |    | S  |             |
|                                  |     | 16  |      |    |    |    |      |    |    |    | S    |    |    |    |      |    |    | S  |             |
|                                  |     | 17  |      | S  |    |    |      |    |    |    |      |    |    |    | S    |    |    | S  |             |
|                                  |     | 23  |      |    |    |    |      | S  |    |    |      |    |    |    |      |    |    |    |             |
| Total Acres (for irrigation use) |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    | 4  |    |             |

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:

Spring boxes near the origins of Shrives Spring will collect and divert water into storage tanks. Water from the tanks will be diverted into a closed network of gravity fed pipe to troughs. Overflow from the tanks will go back into the natural channel. Proposed irrigation will be by flood irrigation using ditches off of the natural channel.

- b. Who owns the property at the point(s) of diversion? Potter Creek Ranch, L.C.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: The Applicant has entered into an agreement with Potter Creek Ranch, L.C. pertaining to this water right and construction of the stockwater 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: \_\_\_\_\_

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:

It 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:

# **Part 2A**

## **Water Right Reports**



[Home](#) / [Water Rights](#) / [Research](#) / [Search Water Rights](#)

## WATER RIGHT REPORT

5/29/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 29-4382

### Owner Type   Name and Address

Current Owner KATHLEEN M EGAN

Current Owner WILLIAM A EGAN  
1451 W HAWKINS RD  
ARIMO, ID 83214  
2088975521

Priority Date: 06/01/1936

Basis: Decreed

Status: Active

### Source   Tributary

POTTER CREEK MARSH CREEK

### Beneficial Use   From   To   Diversion Rate   Volume

IRRIGATION   04/01   10/31   0.36 CFS

Total Diversion   0.36 CFS

Location of Point(s) of Diversion:

POTTER CREEK | NESW | Sec. 11 | Township 11S | Range 36E | BANNOCK County

POTTER CREEK | SWSE | Sec. 11 | Township 11S | Range 36E | BANNOCK County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 11S      | 36E   | 11      |     | SWSE  | 18    |     |       |       |     |       |       |     |       |       |

Total Acres: 18

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 03/22/2004

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: OR  
Water District Number: 29H  
Generic Max Rate per Acre:  
Generic Max Volume per Acre:  
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





**Attachment No. 2a  
Water Right Ownership  
Documentation**

21718664

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Special Record Book 1022  
Bannock County Idaho

RECORDED AT REQUEST OF  
FEE 15 - DEPUTY RD

This document prepared by (and after recording return to):  
Name: William A. Egan )  
Address: 1451 West Hawkins Rd 21718664 )  
City, State, Zip: Arimo, Idaho 83214 )  
Phone: 2088975521 )  
2011 DEC 20 P 2:01

-----Above This Line Reserved For Official Use Only-----

### QUITCLAIM DEED

#### FOR VALUE RECEIVED:

I William Alva Egan also shown of record as: William A. Egan, and Kathleen M. Egan, hereinafter referred to as "Grantor", do hereby convey, release, remise and forever quitclaim unto Egan Farms LLC, hereinafter "Grantee", the following lands and property, together with all improvements located thereon, lying in the County of Bannock, State of Idaho, to-wit:

- ☐ See Legal Descriptions Attached as Exhibit A incorporated by reference as though set forth in full
- ☐ Legal Description/parcel numbers:

**Township 10 South, Range 36 East, Boise Meridian**

**Section 33: Beginning at a point 660 feet North of the South quarter corner of the said section; thence East 120 feet; thence North 380 feet; more or less, to the present county road (Hawkins Creek Road); thence Westerly 120 feet to the West line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said section, township and range; thence South 380 feet, more or less, to the point of beginning.**

Described as Parcel No.'s R4265023100 and R4431000900, Bannock County Assessor's Office see DEED # 536344, 96005531 and 93019256

and

SW4SE4 40 AC; 1.82 AC R/W, S2-T11S-R36E, described as Parcel No. R4431000900, Bannock County Assessor's office

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and

Township 10 South, Range 36 East, Boise Meridian, Bannock County, Idaho, Section 33: W 1/2 E 1/2; Section 34: SE 1/4 NE 1/4, NE 1/4 SE 1/4; Section 35: NW 1/4 SE 1/4, N 1/2 N 1/2 SW 1/4 SE 1/4, N 1/2 SW 1/4, SE 1/4 NW 1/4.

Excepting therefrom certain parcels deeded to Bannock County, Idaho, for Highway purposes as described in Book 135, as Filing No. 335967, in Book 78 of Deeds, page 400, as Filing No. 203907, record Book 135, as filing No. 335970 and record Book 131, as filing No. 330044, records of Bannock County, Idaho.

Also excepting parcels referenced by Deed No.'s 594129, 689471, 21118213 and 594128

Subject to Pole Line Easement granted to Utah Power & Light Company, a corporation, Joseph H. Parris, a widower, dated September 21, 1944, recorded November 14, 1944, in Book 91 of deeds, page 357, as filing No. 234413, records of Bannock County, Idaho.

Subject to Pole Line Easement granted to Utah Power & Light Company by Joseph H. Parris and Faye M. Parris, husband and wife, dated October 11, 1957, recorded February 7, 1958, in Book 130, as filing No. 329421, records of Bannock County, Idaho.

Subject to Oil and Gas Lease granted to J.R. Pace, by Joseph H. Parris and Faye M. Parris, husband and wife, dated July 29, 1955, recorded October 24, 1955, in Book 5 of Leases, page 119, as filing No. 311626, records of Bannock County, Idaho.

Subject to Mortgage dated June 7, 1960, executed by Edward C. Reiman and Elizabeth A. Reiman, husband and wife, and Joseph H. Parris and Faye M. Parris, husband and wife, to the Federal Land Bank of Spokane, a corporation, to secure the payment of \$15,000.00, and interest; recorded August 12, 1960, in Book 153, as filing No. 359826, records of Bannock County, Idaho.

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Together with all water rights appurtenant to and used in connection with the above property, however evidenced, and particularly 20 and 644/5000 shares of Marsh Center Irrigation Co. as evidenced by Certificates No. 4, 5, 6, 7; and

Together with range privileges for 50 head through 180 4/5 shares in Marsh Valley Cattleman's Corporation as evidenced by Certificates No. 12, 14, 29, 44, 52, 80, 91, 110, 128, 144, 162 and 179, and Taylor Grazing rights.

Together with all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining and the rents, issues and profits thereof.

Described as Parcel No. R4265023000 Bannock County Assessor's office, see DEED # 685334 and

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The SW $\frac{1}{2}$  of the NW $\frac{1}{2}$  of Section 26, Township 10 South, Range 35, East of the Boise Meridian, Bannock County, Idaho. . .

**Subject to:**

All zoning laws, ordinances, easements, restrictive agreements and rights of way of public roads;

Easement to Utah Power and Light Company, recorded August 7, 1961, Book 162, Number 371227, records of Bannock County, Idaho, said easement being for transmission lines;

Easement to Pacific Power and Light Company, recorded January 25, 1974, Book 265, Number 518385, records of Bannock County, Idaho, said easement being for electric transmission and distribution lines;

Easement to Utah Power & Light Company, recorded October 28, 1981, Book 374, Number 677722, records of Bannock County, Idaho, said easement being for electrical transmission and distribution circuits; .

Described as Parcel No. R4267009500 Bannock County Assessor's office, see DEED # 680571 and 680755.

and

Described as Parcel No.'s R4431001300, R4265024500, R4431000800, R4265024200, and R4431000900, R4431002500, R4431003301, R4431000400, R4431003302, R4431004500 Bannock County Assessor's office.

and

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Township 10 South, Range 35 E.B.M., Bannock County, Idaho  
Section 16: SW1/4SW1/4  
Section 17: SE1/4SE1/4  
Section 17 and 20: Commencing at the Northeast corner of the SW1/4SE1/4 of Section 17, thence South 2640 feet, thence West 847 feet, thence North 2640 feet, thence East 904 feet, more or less, to the point of beginning.  
Section 20: NE1/4NE1/4, S1/2NE1/4, NW1/4SE1/4  
Section 21: N1/2NW1/4

Together with tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining.

Subject to reservations in United States patents and State deeds or other restrictions imposed by law, easements and right-of-way, zoning and building ordinances, use restrictions of record, and taxes and assessments for the year 1988 and thereafter.

Described as Parcel No. R4267007600, R4267006800, R4267007400, R4267006500 Bannock County Assessor's office, see DEED #'s 91007427 and 91010519

and

Township 10 South, Range 36 East, Boise Meridian

Section 33: Beginning at a point 660 feet North of the South quarter corner of the said section; thence East 120 feet; thence North 380 feet; more or less, to the present county road (Hawkins Creek Road); thence Westerly, 120 feet to the West line of the SW1/4SE1/4 of said section, township and range; thence South 380 feet, more or less, to the point of beginning.

and

Lots 3 & 4; S2NW4, 162.70 AC, S4-T11S-R36E, described as Parcel No. R4431001600, Bannock County Assessor's office

and

SW4SW4; S33-T10S-R36E, described as Parcel No. R4265023200, Bannock County Assessor's office excepting ROW in Deed 335966

and

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**21718664**

SW4NE4 N2SE4 N2NE4 SE4NE4; S32-TIOS-R36E, described as Parcel No. R4265022200, Bannock County Assessor's office excepting deed 21118214 and deed 21116139 and deed 335963 and deed 21118216

and

NW4NW4 40.0 AC; W2SW4-SW4NW4 120 AC; S35-TIOS-R35E, described as Parcel No. R4267011000 Bannock County Assessor's office

and

SW4; NW4SE4 200 AC; S9-TIOS-R35E, described as Parcel No.'s R4267002400 and R4267010900, Bannock County Assessor's Office

and

W2SE4; SE4SW4 120 AC; S16-TIOS-R35E, described as Parcel No. R4267006200, Bannock County Assessor's office

and

Lots 3 & 4 79.53 AC; S8-TIOS-R35E, described as Parcel No. R4267002100, Bannock County Assessor's office

and

W2SW4 80 AC; S26-TIOS-R35E, described as Parcel No. R4267009300, Bannock County Assessor's office

and

N2NE4;SW4NE4;E2NW4;NE4SW4 240 AC; S16.TIOS-R35E, described as Parcel No. R4267006601, Bannock County Assessor's office

and

NW4NE4; NE4NW4 80 AC; S35-TIOS.R35E, described as Parcel No. R4267011400, Bannock County Assessor's office

and

E2SW4 80 AC; S26-TIOS-R35E, described as Parcel No. R4267009400, Bannock County Assessor's office.

21718664

SUBJECT to all easements, rights-of-way, protective covenants and mineral reservations of record, if any.

TO HAVE AND TO HOLD same unto Grantee, and unto Grantee's heirs and assigns forever, with all appurtenances thereunto belonging.

WITNESS Grantor(s) hand(s) this the 19<sup>th</sup> day of December, 2017.

Kathleen M. Egan  
Kathleen M. Egan

William Alva Egan  
William Alva Egan

Kathleen M. Egan  
Print Name

William Alva Egan  
Print Name

STATE OF Idaho  
COUNTY OF Bannock

On this 19<sup>th</sup> day of December, in the year of 2017, before me,  
Heidi Hollaway, a Notary Public, personally appeared  
William & Kathleen Egan, known or identified to me (or proved to me on the oath of  
Heidi Hollaway), to be the person whose name is subscribed to the within  
instrument, and acknowledged to me that he/she/they executed the same.

(Seal)



Heidi Hollaway  
Notary Public

Heidi Hollaway  
Printed Name

My Commission Expires:

6/19/20

# **Attachment No. 4**

## **Power of Attorney**

[Search again](#)

## Results (as of 5/4/18)

### Luke Hyrum Marchant

**Status**

Active

**ISB Membership Number**

7944

**Admittance Date**

09/30/2008

**Firm**

Holden, Kidwell, Hahn &amp; Crapo, PLLC

**Mailing Address**

PO Box 50130 Idaho Falls, ID 83405

**Phone**

(208) 523-0620

**Phone Ext****Fax**

(208) 523-9518

**Email Address**

lmarchant@holdenlegal.com

**Website Address**

www.holdenlegal.com

### Need a correction?

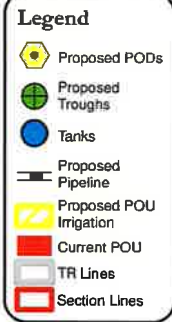
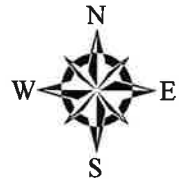
Is something not correct? Please use the [Address Change Form](#)

The information above is based on the Idaho State Bar records as of the date listed above. To send us an update on your

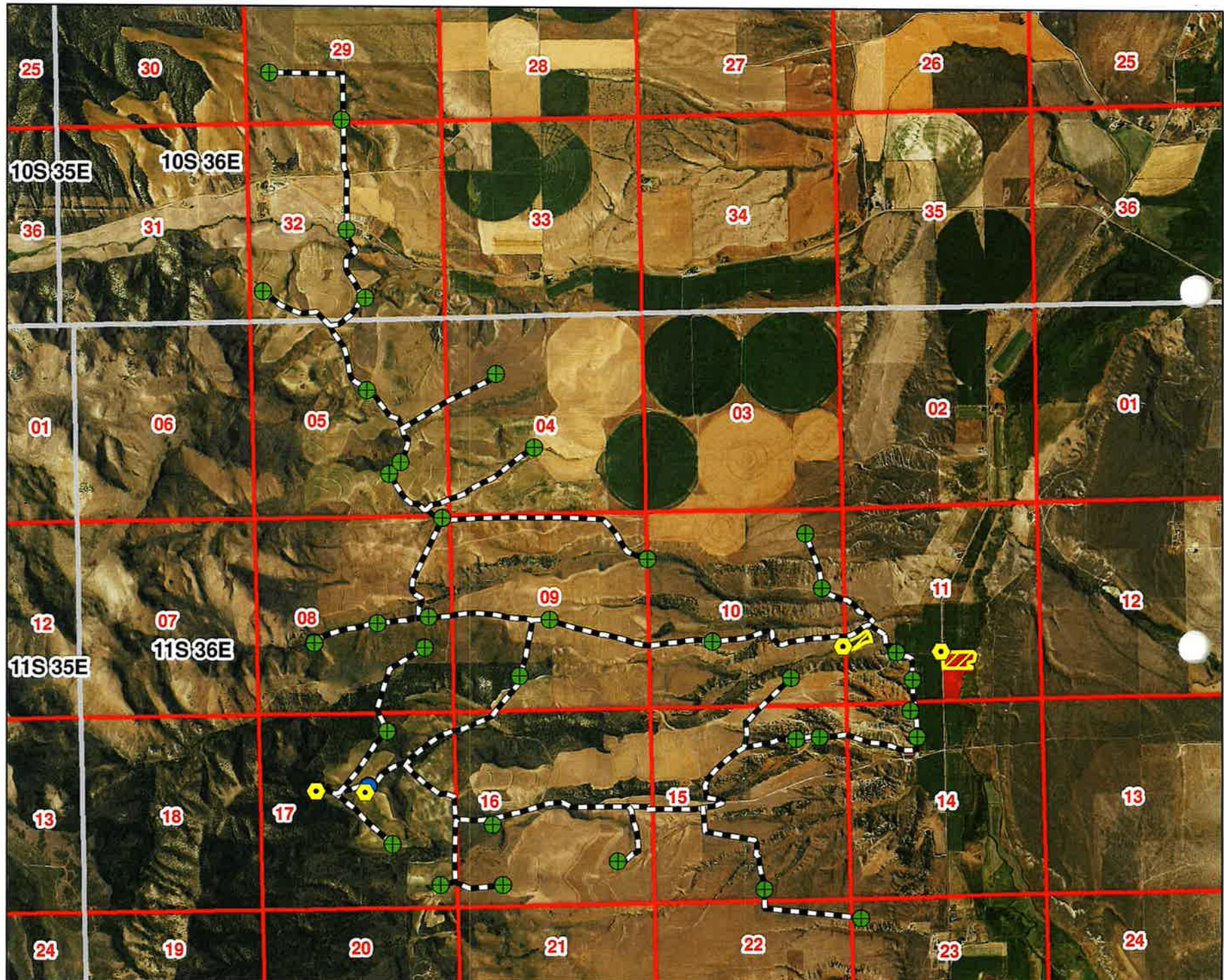
# **Attachment No. 7a**

## **GIS Maps**

# EGAN FARMS, LLC - Application for Transfer



84504

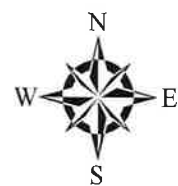


2019 NAIP Photo



Prepared by:  
Luke H. Marchant  
7/29/2020

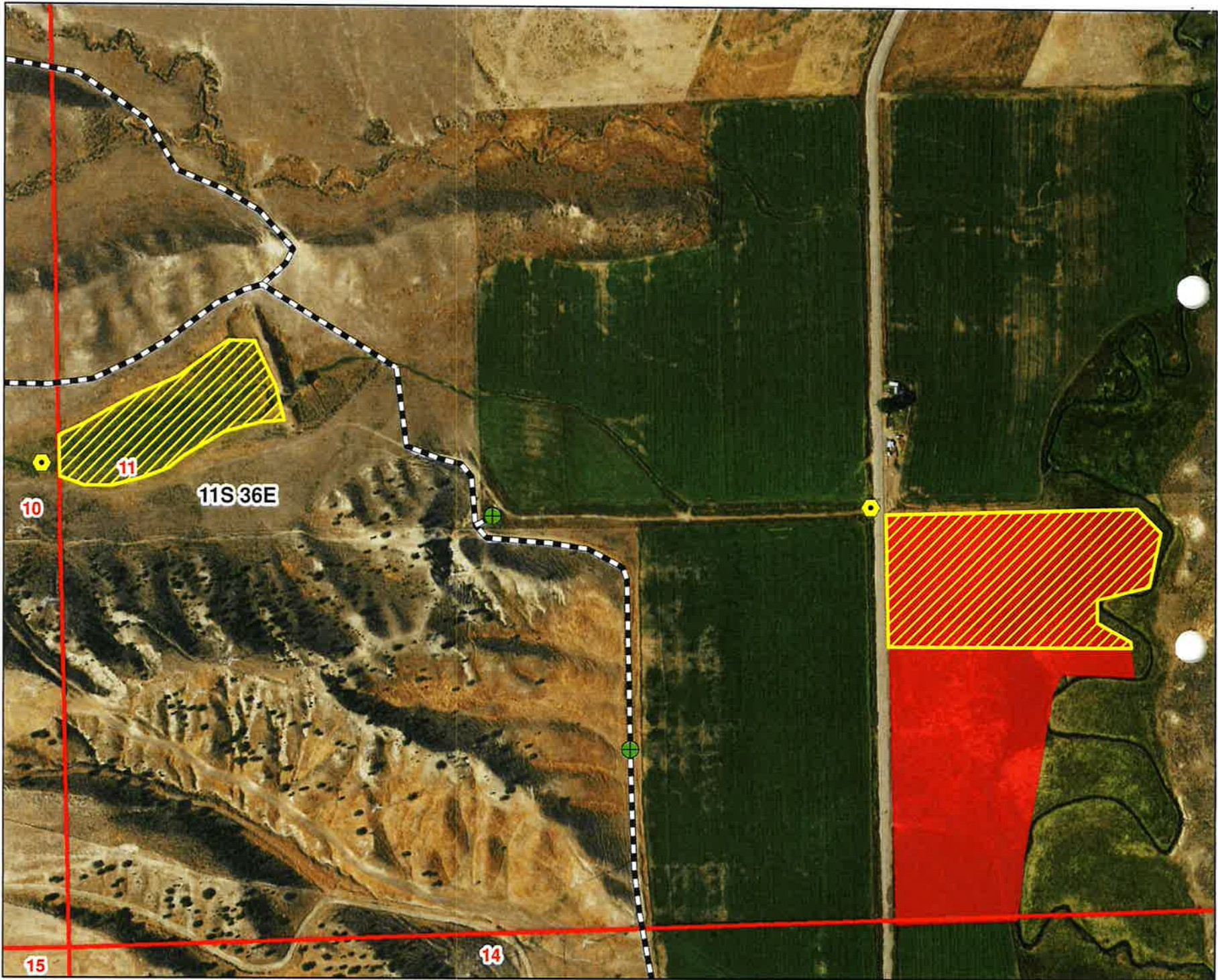
# EGAN FARMS, LLC - Application for Transfer



**Legend**

- Proposed PODs
- Proposed Troughs
- Proposed Pipeline
- Proposed POU Irrigation
- Current POU
- TR Lines
- Section Lines

84504



2019 NAIP Photo



Prepared by:  
Luke H. Marchant  
7/29/2020

**Attachment No. 7b  
GIS Shapefile**

**(Will be sent via email upon  
request from IDWR)**

**Attachment No. 8a  
Documentation - Historic  
Beneficial Use**

### Consumptive Use Analysis

Need for stockwater:

0.12 cfs

17.5 AFY consumptive use

### **ET Idaho, McCammon Station, Grass Pasture – High Management**

$890 \text{ mm} * 0.0032808 \text{ ft/mm} = 2.91 \text{ ft}$

$17.5 \text{ ac-ft} / 2.91 \text{ ft} = \mathbf{6.0 \text{ acres retired}}$

**Attachment No. 10**  
**Other**  
**Consent to Transfer**

### CONSENT TO WATER RIGHTS TRANSFER

We, the undersigned have reviewed the Application for Transfer which is being submitted to the Idaho Department of Water Resources which involves Egan Farms, LLC's water right numbered 29-4382. We have been working together and coordinating these transfers, and have reviewed them in detail, and consent to the movement of a portion of these water rights upon our property as requested in the transfer application.

POTTER CREEK RANCH, L.C.

By: its Manager, Foxboro Terrace Associates

By: its General Partner, BCI FTAGP, L.C.

By: Christopher J. Poles

Its: Manager of GP

Date: 7/31/2020



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

EGAN FARMS, LLC  
1451 W HAWKINS ROAD  
ARIMO, ID 83214

RE: Transfer No. 84504  
Water Right No(s). 29-4382

Dear Applicant:

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

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 approval document.

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

Sincerely,

Christina Henman  
Administrative Assistant

CC:  
LUKE MARCHANT  
HOLDEN KIDWELL HAHN & CRAPO  
PO BOX 50130  
IDAHO FALLS, ID 83405

## Henman, Christina

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**From:** Henman, Christina  
**Sent:** Wednesday, November 25, 2020 12:21 PM  
**To:** 'evankris@isu.edu'  
**Subject:** Application for Transfer No. 84504  
**Attachments:** RecommendationForm Transfer9.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 NENE 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 Shrives 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