

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83748**

This is to certify that: **BRION D EGAN**
84 ROLAND RD
DUBOIS, ID 83423-5005

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
32-7081C	WR/DECREED	6/20/1977	1.890 cfs	542.5 af	N/A	155.0	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
32-29	WR/DECREED	10/1/1883	1.000 cfs	N/A		294.0	MEDICINE LODGE CREEK
32-30	WR/DECREED	2/1/1884	1.500 cfs	N/A		294.0	MEDICINE LODGE CREEK
32-31	WR/DECREED	8/1/1886	1.000 cfs	N/A		294.0	MEDICINE LODGE CREEK
32-7081D	WR/DECREED	6/20/1977	1.950 cfs	560.0 af	160.0	294.0	GROUND WATER
32-1A	WR/DECREED	6/20/1883	0.640 cfs	N/A		155.0	MEDICINE LODGE CREEK
32-2A	WR/DECREED	10/1/1883	0.360 cfs	N/A		155.0	MEDICINE LODGE CREEK
32-3A	WR/DECREED	5/15/1884	1.500 cfs	N/A		155.0	MEDICINE LODGE CREEK
32-4A	WR/DECREED	4/15/1885	0.500 cfs	N/A		155.0	MEDICINE LODGE CREEK
32-5A	WR/DECREED	11/1/1885	0.500 cfs	N/A		155.0	MEDICINE LODGE CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
32-7081C	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
32-7081C	32-7081C	1.890 cfs	542.5 af	155.0	294.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.890 cfs	542.5 af	155.0	294.0		N/A	N/A	N/A	N/A

Transfer No. 83748

**Support Data
In File # 32-7081C**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 83748

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 14th day of January, 2020.



Regional Manager



WATER RIGHT NO. 32-7081C
As Modified by Transfer No. 83748

In accordance with the approval of Transfer No. 83748, Water Right No. 32-7081C is now described as follows:

Right Holder: H TOD SHENTON AND/OR
 CAROLYN RHODES SHENTON
 573 MEDICINE LODGE RD
 DUBOIS, ID 83423

Priority Date: 6/20/1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/15	to 10/15	1.890 cfs	542.5 af
			1.890 cfs	542.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENW Sec 17 Twp 10N Rge 35E CLARK County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	35E	17					39.0	30.0	25.0	40.0	40.0	4.0		39.0		39.0	38.0		294.0

Right Acre Limit: 155.0

POU Total Acres: 294.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 155.0 acres within the authorized place of use in a single irrigation season.
2. 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.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date of 10/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/27/2000.
4. Use of water under this right may 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. 110.

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WATER RIGHT NO. 32-7081C
As Modified by Transfer No. 83748

CONDITIONS OF APPROVAL

5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Prior to the diversion and use of water under Transfer approval 83748, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. 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 place of use.
9. 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 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 32-29
As Modified by Transfer No. 83748

In accordance with the approval of Transfer No. 83748, Water Right No. 32-29 is now described as follows:

Right Holder: DEANNA EGAN AND/OR
BRION D EGAN
84 ROLAND RD
DUBOIS, ID 83423-5005

Priority Date: 10/1/1883

Source: MEDICINE LODGE CREEK **Tributary:** SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	4/01	to 10/31	1.000 cfs 1.000 cfs

LOCATION OF POINT(S) OF DIVERSION

MEDICINE LODGE CREEK NWSW Sec 8 Twp 10N Rge 35E CLARK County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	35E	17					39.0	30.0	25.0	40.0	40.0	4.0		39.0		39.0	38.0		294.0

POU Total Acres: 294.0

CONDITIONS OF APPROVAL

1. 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.
2. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 83748

WATER RIGHT NO. 32-30
As Modified by Transfer No. 83748

In accordance with the approval of Transfer No. 83748, Water Right No. 32-30 is now described as follows:

Right Holder: DEANNA EGAN AND
 BRION D EGAN
 84 ROLAND RD
 DUBOIS, ID 83423-5005

Priority Date: 2/1/1884

Source: MEDICINE LODGE CREEK **Tributary:** SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	4/01	to 10/31	1.500 cfs
			1.500 cfs

LOCATION OF POINT(S) OF DIVERSION

MEDICINE LODGE CREEK NWSW Sec 8 Twp 10N Rge 35E CLARK County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	35E	17					39.0	30.0	25.0	40.0	40.0	4.0		39.0		39.0	38.0		294.0

POU Total Acres: 294.0

CONDITIONS OF APPROVAL

1. 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.
2. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 83748

WATER RIGHT NO. 32-31
As Modified by Transfer No. 83748

In accordance with the approval of Transfer No. 83748, Water Right No. 32-31 is now described as follows:

Right Holder: DEANNA EGAN AND
 BRION D EGAN
 84 ROLAND RD
 DUBOIS, ID 83423-5005

Priority Date: 8/1/1886

Source: MEDICINE LODGE CREEK **Tributary:** SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	4/01	to 10/31	1,000 cfs 1,000 cfs

LOCATION OF POINT(S) OF DIVERSION

MEDICINE LODGE CREEK NWSW Sec 8 Twp 10N Rge 35E CLARK County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	35E	17					39.0	30.0	25.0	40.0	40.0	4.0		39.0		39.0	38.0		294.0

POU Total Acres: 294.0

CONDITIONS OF APPROVAL

1. 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.
2. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 32-7081D
As Modified by Transfer No. 83748

In accordance with the approval of Transfer No. 83748, Water Right No. 32-7081D is now described as follows:

Right Holder: DEANNA EGAN AND/OR
BRION D EGAN
84 ROLAND RD
DUBOIS, ID 83423-5005

Priority Date: 6/20/1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/15	1.950 cfs	560.0 af
			1.950 cfs	560.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENW Sec 17 Twp 10N Rge 35E CLARK County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	35E	17					39.0	30.0	25.0	40.0	40.0	4.0		39.0		39.0	38.0		294.0

Right Acre Limit: 160.0

POU Total Acres: 294.0

CONDITIONS OF APPROVAL

1. Right 32-7081D is limited to the irrigation of 160.0 acres within the place of use described above in a single irrigation season.
2. 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.
3. Prior to the diversion and use of water under this right the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

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WATER RIGHT NO. 32-7081D
As Modified by Transfer No. 83748

CONDITIONS OF APPROVAL

4. 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 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.
5. 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 period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/27/2000.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. 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. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 32-1A
As Modified by Transfer No. 83748

In accordance with the approval of Transfer No. 83748, Water Right No. 32-1A is now described as follows:

Right Holder: H TOD SHENTON AND/OR
 CAROLYN RHODES SHENTON
 573 MEDICINE LODGE RD
 DUBOIS, ID 83423

Priority Date: 6/20/1883

Source: MEDICINE LODGE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	0.640 cfs 0.640 cfs

LOCATION OF POINT(S) OF DIVERSION

MEDICINE LODGE CREEK	NENW	Sec 25 Twp 11N Rge 34E	CLARK County
MEDICINE LODGE CREEK	L1 (SENWNW)	Sec 31 Twp 11N Rge 35E	CLARK County
MEDICINE LODGE CREEK	L1 (SENWNW)	Sec 31 Twp 11N Rge 35E	CLARK County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	35E	31													40.0	37.0	38.0	40.0	155.0

POU Total Acres: 155.0

CONDITIONS OF APPROVAL

1. Rights 32-1A, 32-2A, 32-3A, 32-4A, 32-5A when combined shall not exceed the irrigation of 155 acres.
2. The total instantaneous diversion of water from the point of diversion located in NENW, Sec 25, T11N, R34E shall not exceed 2.0 cfs.
3. 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.
4. 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. 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.

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WATER RIGHT NO. 32-1A
As Modified by Transfer No. 83748

CONDITIONS OF APPROVAL

6. Water is delivered through MEDICINE LODGE 31NWNW-W and MEDICINE LODGE 31NWNW-E.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 32-2A
As Modified by Transfer No. 83748

In accordance with the approval of Transfer No. 83748, Water Right No. 32-2A is now described as follows:

Right Holder: H TOD SHENTON AND/OR
CAROLYN RHODES SHENTON
573 MEDICINE LODGE RD
DUBOIS, ID 83423

Priority Date: 10/1/1883

Source: MEDICINE LODGE CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	0.360 cfs 0.360 cfs

LOCATION OF POINT(S) OF DIVERSION

MEDICINE LODGE CREEK	NENW	Sec 25 Twp 11N Rge 34E	CLARK County
MEDICINE LODGE CREEK	L1 (SENWNW)	Sec 31 Twp 11N Rge 35E	CLARK County
MEDICINE LODGE CREEK	L1 (SENWNW)	Sec 31 Twp 11N Rge 35E	CLARK County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	35E	31													40.0	37.0	38.0	40.0	155.0

POU Total Acres: 155.0

CONDITIONS OF APPROVAL

1. Rights 32-1A, 32-2A, 32-3A, 32-4A, 32-5A when combined shall not exceed the irrigation of 155 acres.
2. The total instantaneous diversion of water from the point of diversion located in NENW, Sec 25, T11N, R34E shall not exceed 2.0 cfs.
3. 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.
4. 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. 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.

Transfer No. 83748

WATER RIGHT NO. 32-2A
As Modified by Transfer No. 83748

CONDITIONS OF APPROVAL

6. Water is delivered through MEDICINE LODGE 31NWNW-W and MEDICINE LODGE 31NWNW-E.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 32-3A

As Modified by Transfer No. 83748

In accordance with the approval of Transfer No. 83748, Water Right No. 32-3A is now described as follows:

Right Holder: H TOD SHENTON AND/OR
CAROLYN RHODES SHENTON
573 MEDICINE LODGE RD
DUBOIS, ID 83423

Priority Date: 5/15/1884

Source: MEDICINE LODGE CREEK

BENEFICIAL USE IRRIGATION

From
04/01

To
to 10/31

Diversion Rate
1,500 cfs
1,500 cfs

LOCATION OF POINT(S) OF DIVERSION

MEDICINE LODGE CREEK	NENW	Sec 25 Twp 11N Rge 34E	CLARK County
MEDICINE LODGE CREEK	L1 (SENWNW)	Sec 31 Twp 11N Rge 35E	CLARK County
MEDICINE LODGE CREEK	L1 (SENWNW)	Sec 31 Twp 11N Rge 35E	CLARK County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	35E	31													40.0	37.0	38.0	40.0	155.0

POU Total Acres: 155.0

CONDITIONS OF APPROVAL

1. Rights 32-1A, 32-2A, 32-3A, 32-4A, 32-5A when combined shall not exceed the irrigation of 155 acres.
2. The total instantaneous diversion of water from the point of diversion located in NENW, Sec 25, T11N, R34E shall not exceed 2.0 cfs.
3. 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.
4. 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. 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.

Transfer No. 83748

WATER RIGHT NO. 32-3A
As Modified by Transfer No. 83748

CONDITIONS OF APPROVAL

6. Water is delivered through MEDICINE LODGE 31NWNW-W and MEDICINE LODGE 31NWNW-E.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 32-4A
As Modified by Transfer No. 83748

In accordance with the approval of Transfer No. 83748, Water Right No. 32-4A is now described as follows:

Right Holder: H TOD SHENTON AND/OR
CAROLYN RHODES SHENTON
573 MEDICINE LODGE RD
DUBOIS, ID 83423

Priority Date: 4/15/1885

Source: MEDICINE LODGE CREEK

BENEFICIAL USE
IRRIGATION

From
04/01

To
to 10/31

Diversion Rate
0.500 cfs
0.500 cfs

LOCATION OF POINT(S) OF DIVERSION

MEDICINE LODGE CREEK	NENW	Sec 25 Twp 11N Rge 34E	CLARK County
MEDICINE LODGE CREEK	L1 (SENWNW)	Sec 31 Twp 11N Rge 35E	CLARK County
MEDICINE LODGE CREEK	L1 (SENWNW)	Sec 31 Twp 11N Rge 35E	CLARK County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	35E	31													40.0	37.0	38.0	40.0	155.0

POU Total Acres: 155.0

CONDITIONS OF APPROVAL

1. Rights 32-1A, 32-2A, 32-3A, 32-4A, 32-5A when combined shall not exceed the irrigation of 155 acres.
2. The total instantaneous diversion of water from the point of diversion located in NENW, Sec 25, T11N, R34E shall not exceed 2.0 cfs.
3. 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.
4. 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. 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.

Transfer No. 83748

WATER RIGHT NO. 32-4A
As Modified by Transfer No. 83748

CONDITIONS OF APPROVAL

6. Water is delivered through MEDICINE LODGE 31NWNW-W and MEDICINE LODGE 31NWNW-E.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 32-5A
As Modified by Transfer No. 83748

In accordance with the approval of Transfer No. 83748, Water Right No. 32-5A is now described as follows:

Right Holder: H TOD SHENTON AND/OR
CAROLYN RHODES SHENTON
573 MEDICINE LODGE RD
DUBOIS, ID 83423

Priority Date: 11/1/1885

Source: MEDICINE LODGE CREEK

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
0.500 cfs
0.500 cfs

LOCATION OF POINT(S) OF DIVERSION

MEDICINE LODGE CREEK	NENW	Sec 25 Twp 11N Rge 34E	CLARK County
MEDICINE LODGE CREEK	L1 (SENWNW)	Sec 31 Twp 11N Rge 35E	CLARK County
MEDICINE LODGE CREEK	L1 (SENWNW)	Sec 31 Twp 11N Rge 35E	CLARK County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	35E	31													40.0	37.0	38.0	40.0	155.0

POU Total Acres: 155.0

CONDITIONS OF APPROVAL

1. Rights 32-1A, 32-2A, 32-3A, 32-4A, 32-5A when combined shall not exceed the irrigation of 155 acres.
2. The total instantaneous diversion of water from the point of diversion located in NENW, Sec 25, T11N, R34E shall not exceed 2.0 cfs.
3. 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.
4. 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. 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.

Transfer No. 83748

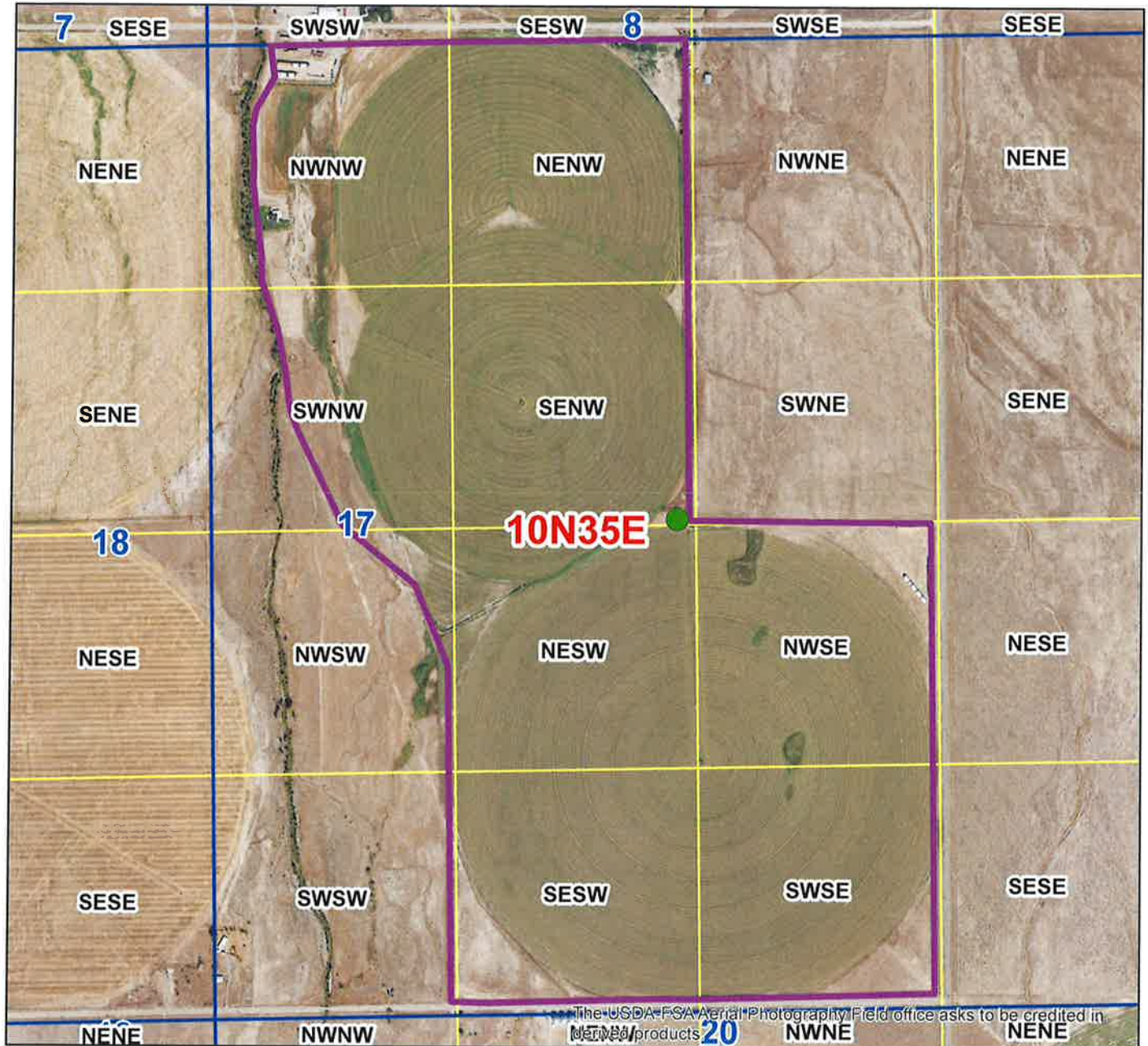
WATER RIGHT NO. 32-5A
As Modified by Transfer No. 83748

CONDITIONS OF APPROVAL

6. Water is delivered through MEDICINE LODGE 31NWNW-W and MEDICINE LODGE 31NWNW-E.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Attachment to Transfer Approval 83748

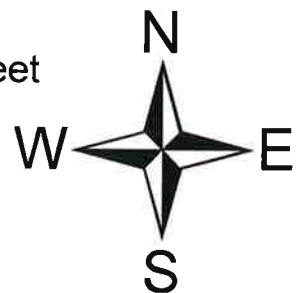
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections

0 625 1,250 2,500 Feet



Date: 1/14/2020



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

January 14, 2020

BRION D EGAN
84 ROLAND RD
DUBOIS ID 83423-5005

Re: Transfer No: 83748

Water Right No(s): 32-1A , 32-2A , 32-3A , 32-4A , 32-5A , 32-29, 32-30, 32-31, 32-7081C , 32-7081D

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

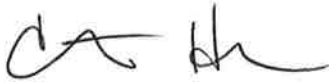
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,



Christina Henman
Administrative Assistant

Enclosure

CC:

H TOD SHENTON
CAROLYN RHODES SHENTON
573 MEDICINE LODGE RD
DUBOIS ID 83423

DEANNA EGAN
84 ROLAND RD
DUBOIS ID 83423-5005

BANK OF IDAHO
399 N CAPITAL AVE
IDAHO FALLS ID 83402-3632

RABO AGRIFINANCE LLC
14767 N OUTER 40 RD STE 400
CHESTERFIELD MO 63017-2003

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was held)

The accompanying order is a **Preliminary Order** issued by the Idaho Department of Water Resources (Department) pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and brief as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of the order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, request for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 83748

Water Right No(s): 32-1A , 32-2A , 32-3A , 32-4A , 32-5A , 32-29, 32-30, 32-31, 32-7081C , 32-7081D

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84 ROLAND RD
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**Christina Henman
Administrative Assistant**