

2005

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 32-1B/2B/3B/4B/5B/9A/)
32-10A/11A/12A/13A/25/43/29/30/31)
_____)

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-32-12

WHEREAS, a drought emergency has been declared for CLARK County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

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

WHEREAS, on May 31, 2005, Brion Egan submitted the attached Temporary Change Application TC-32 to the Department; and

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

ORDER

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

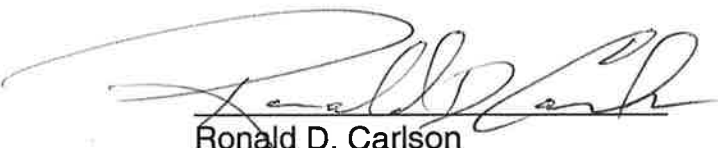
1. Diversion and use of right no(s). 32-1B/2B/3B/4B/5B/9A/10A/11A/12A/13A/32-25/43/29/30/31 is authorized only at the point of diversion and place of use described on the application.
2. This temporary Change approval does not authorize construction of a new well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

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5. Right(s) 32-1B/2B/3B/4B/5B/9A/10A/11A/12A/13A/25/43/29/30/31 are limited to the irrigation of a total of 1052.4 acres in a single irrigation season
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant is subject to all conditions and limitations listed on the application under the section titled "ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES"
10. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
11. The Water master of Water District No. 32C is authorized to administer the temporary change approval.
12. This Temporary change approval expires on October 31, 2005 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use, and nature of use existing prior to the temporary change approval.

DATED this 3rd day of June, 2005.


Ronald D. Carlson
Eastern Regional Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant BRION EGAN Phone (208) 374-5460Post Office Address HC 61 Box 1060, Dubois ID 83423

A. PURPOSE OF TRANSFER

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

2. Describe the proposed change(s) and the reason(s) thereof Drought conditions have cut water rights this will allow the water to be used on the crop needing the water

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
SEE ATTACHED PAGE 4/1 to 10/31

2. Total amount of water being transferred 17.35 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Medicine Lodge tributary to SINKS

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	NE	SE	25	11N	34E	CLARK	old McGarry P/O's
		NW	SW	SE	31	11N	35E	CLARK	
			NW	SW	8	10N	35E	CLARK	Egan Diversion

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	35E	6													25	38	37	31	136
		7									31			29		31	29		120
		17					39	42	33	40	40	40	1	39	32.7	39	38	32.7	419.4
		18	34	40	40	28	39			39									220.0
11N	35E	31	40	39	38	40													157

Total Acres 1052.4

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Item: B.1 Description of Right(s) or Portion thereof, after requested change.

Source MEDICINE LODGE CREEK

Basin	Seq	Suffix	Priority Date	Rate(cfs)	Volume(af)	Owner(s)
32	1	B	1883-06-20	0.6	217.8	EGAN, BRION D & GARY
32	2	B	1883-10-01	0.34	123.4	"
32	3	B	1884-05-15	1.41	511.8	"
32	4	B	1885-04-15	0.47	170.6	"
32	5	B	1885-11-01	0.47	170.6	"
32	9	A	1884-02-01	0.18	80.6	EGAN, BRION D
32	10	A	1884-04-15	0.27	123.1	"
32	11	A	1884-05-01	1.17	534.8	"
32	12	A	1885-04-15	3.37	928.9	"
32	13	A	1885-11-01	0.21	97.6	"
32	25		1883-10-01	3.36		EGAN, BRION D, BROCK P, DEANNA, & KODI J
32	43		1884-10-15	2		"
32	29		1883-10-01	1		EGAN, BRION D & DEANNA
32	30		1884-02-01	1.5		"
32	31		1886-08-01	1		"

17.35

TEMPORARY CHANGE APPLICATION: TC-32-12
BRION EGAN 2005

TC-32-12

6. General Information:

- a. Who owns the water right to be changed? APPLICANT (Change in Ownership Documents sent to Boise)
- b. Describe the arrangement allowing use of the right N/A
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Better use of water will be able to move water to most water use crop
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. Rights have been used but Drought conditions have required watermaster to cut rights & cannot irrigate all ground
- e. Absent the changes, how would the right be used for the remainder of the year? Would continue to water untill drought conditions required watermaster to cut rights
- f. Describe other water rights used for the same purpose.
NONE
- g. Remarks: Water master Dist 32-C will move the water and charge losses to insure no injury to other rights on Medicine Lodge

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Bruce Egan
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 5/31/05 Fee \$50.00

Receipted KCW # EO 30925 Recommend: ☒ approve ☐ deny

Watermaster recommendation APPROVAL

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-32-12

And said application is hereby Approved subject to the following limitations and conditions:

The watermaster may assess an appropriate loss in delivering water these water rights based upon current loss measurements.

Witness my hand this 3rd day of June 2006

[Signature]
For the Director

7C-32-12

WATER DIST. #32-C
GREGORY A. SHENTON - WATERMASTER
BRETT G. MURDOCK - DEPUTY WATERMASTER
P.O. BOX 33
DUBOIS, IDAHO 83423
(208) 374-5274
(208) 374-5696 fax

Idaho Department Of Water Resources**May 27, 2005**

As you are aware, Clark county has been declared a drought emergency county. Brian Egan has come to our office and has asked us about being able to use his water at all of his points of diversion, for the purpose of irrigating his crops. We do not see a problem with this, as long as on rights 32-0025 and 32-004 takes a 6%, "six percent" conveyance loss. This percent of loss is based on measurements taken by the USGS last summer.

We also see no injury to other senior water right holders by the movement of these water rights this year. Therefore we do endorse this movement of water rights during the course of the water season.

Below are the decreed water rights in which we believe to be part of this agreement.

RIGHT NUMBER	PRIORITY	AMOUNT
32-0025	10/1/83	3.36
32-0043	10/15/84	2.00
32-001B	6/20/83	0.64
32-002B	10/1/83	0.36
32-0029	10/1/83	1.00
32-009A	2/1/84	0.18
32-0030	2/1/84	1.50
32-0010A	4/15/84	0.27
32-0011A	5/1/84	1.17
32-003B	5/15/84	1.50
32-0012A	4/15/85	0.50
32-004B	4/15/85	0.50
32-0013A	11/1/85	0.21
32-005B	11/1/85	0.50
32-0031	8/1/86	1.00
		14.69

Sincerely;



Brett G Murdock
Deputy Watermaster