

7/92

Ident. No.

TC-32-04

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 Pat McGarry for Steven Worthing (208) Phone 374-5588
Post Office address HC 61 Box 1080, 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) therefor Drought relief

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

1. Right Number	Priority	Amount	Nature	Period of Use
<u>32-00025</u>	<u>10/01/1883</u>	<u>3.36 cfs</u>	<u>IRRIGATION</u>	<u>4/1</u> to <u>10/31</u>
<u>32-00043</u>	<u>10-15-1884</u>	<u>2.00 cfs</u>	<u>Immigation</u>	" to "

2. Total amount of water being transferred 3.36 cubic feet/second and/or _____ acre-feet per annum.

3. Source of water Medicine Lodge Creek tributary to SINKS

4. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	NW	20	10 N	35E	CLARK	Woodfield Diversion

5. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	35E	5											3.0	3.0					6.0
		6											3.0				4.0	8.0	10.0
		7	40	40	40	40	30			28	27			19	25	40	31	37	397
		8	40	40	40	40	40	40	40	40	40	40	40	40	40	40		40	600.0
		17					10	18											28
		18	2																2

Total acres 1043

6. General Information:

- a. Who owns the water right to be changed? Pat McGarry
- b. Describe the arrangement allowing use of the right Agreement Between McGarry & Working
see attached letter
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
WILL NOT BE IRRIGATED
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. has been used to
irrigate hay on Pat McGarry's land
- e. Absent the changes, how would the right be used for the remainder of the year? Same
- f. Describe other water rights used for the same purpose.
32-00043
- g. Remarks: See attached watermaster comments

I hereby assume all risk in accordance with House Bill No. 4 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.

Pat McGarry
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by HWT Date 6-26-01 Fee \$50
Received DN # E026848 Recommend: ✓ approve deny
Watermaster recommendation Approve

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TP-32-01 TC-32-04
And said application is hereby APPROVED, subject to the following limitations and conditions:

1. This approval expires November 1, 2001 ~~1992~~ and thereafter the right reverts to the use existing prior to the temporary change.
2/ watermaster control

Witness my hand this 27th day of June, 2001 ~~1992~~

Ronald P. Carter

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT IN THE NAME)
OF 34-00025)
JACK MCGARRY)

ORDER AUTHORIZING
TEMPORARY CHANGE

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 (ADepartment) 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, as provided in section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on June 22, PAT MCGARRY submitted the attached Temporary Change Application ("application") to the Department; and

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

WHEREAS, The applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approval causes injury to other water rights or constitutes an enlargement in use of the original right;

ORDER

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

1. Diversion and use of right no(s). 32-00025 is authorized only at the point of diversion and place of use described on the application or as otherwise approved in this order.
2. This temporary change approval does not authorize construction of a new well as a new point of diversion.
3. 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.

4. Right(s) 32-00025 are limited to the irrigation of a total of 293 acres in a single irrigation season.
5. 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.
6. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
7. 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.
8. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval. (If this condition or a similar one is used, describe the required frequency of measurement and when and where to report the amount of measured water).
9. The watermaster of Water District No. 32 is authorized to administer the temporary change approval.
10. This temporary change approval expires on 10-31-01 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 27th day of June, 2001.


AUTHORIZED PERSON
IDWR

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 32-25

Priority Date: 10/01/1883

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

MEDICINE LODGE CREEK Tributary to: SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	4/01	10/31	0.02 CFS	0.0 AFA	
IRRIGATION	4/01	10/31	3.36 CFS	0.0 AFA	
Total Diversion			3.36 CFS		

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
MEDICINE LODGE CREEK	11N	34E	25	SWNESE		CLARK
MEDICINE LODGE CREEK	11N	35E	31	NWSWSE		CLARK

PLACE OF USE: IRRIGATION

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
10N	35E	6									25.0	38.0	37.0	36.0					136.0
11N	35E	31	40.0	39.0	38.0	40.0													157.0

Total Acres: 293

Conditions/Remarks:

1. 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.
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. USE OF THIS RIGHT WITH RIGHT NO. 32-00043 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 293 ACRES IN A SINGLE IRRIGATION SEASON.^^^

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 32-25

5. STOCKWATER, 500 CATTLE WATER IS DELIVERED THROUGH MEDICINE LODGE 25NESE
WATER IS DELIVERED THROUGH MEDICINE LODGE 31SWSE-W

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 32-25

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JACK MCGARRY HC 61 BOX 1080 DUBOIS, ID 83423 (208)374-5470

Priority Date: 10/01/1883
Basis: Decreed
Status: Active

Source
MEDICINE LODGE CREEK

Tributary to
SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	3.36 CFS		
STOCKWATER	4/01	10/31	0.02 CFS		

Total Diversion 3.36 CFS

Location of Point(s) of Diversion:

MEDICINE LODGE CREEK	SWNESE	Sec. 25	Township 11N	Range 34E	CLARK County
MEDICINE LODGE CREEK	NWSWE	Sec. 31	Township 11N	Range 35E	CLARK County

IRRIGATION Use: Acre Limit: 293

Place(s) of use: Place of Use Legal Description: IRRIGATION CLARK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
10N	35E	6		NESE	25		NWSE	38		SWSE	37		SESE	36
11N		31		NENE	40		NWNE	39		SWNE	38		SENE	40

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 293

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.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 32-00043 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 293 ACRES IN A SINGLE IRRIGATION SEASON.
2. Explanatory STOCKWATER, 500 CATTLE WATER IS DELIVERED THROUGH MEDICINE LODGE 25NESE WATER IS DELIVERED THROUGH MEDICINE LODGE 31SWSE-W

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
DCARLSO N	3/19/99	COPIED FROM REMARKS	STIPULATED AGREEMENT, 9/15/1953. WATER IS DIVERTED BEFORE AND AFTER THE IRRIGATION SEASON, FROM MARCH 1 TO NOV. 31. THE STOCK WATER USE EXTENDS TO THIS PERIOD.
AJU10-EC	7/29/99	AJU10 CONDITION UPDATE	CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates:

Licensed Date:
Claim Received Date: 06/07/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date: 06/13/1901
Date Filed with Court:

Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Water Right 32-25

Idaho Department of Water Resources Receipt

Receipt ID E026848

Payment Amount \$50.00 Date Received 6/22/2001 2:59:06 PM Region Eastern Status
 Payment Type Check Check Number 0764

Payer MCGARRY RANCHComment TEMP TRANSFER

Fee Detail

Amount Description Fund FD PCA SO
\$50.00 TRANSFERS 0229 21 63105 1155



Signature Line (Dept. Representative)

92-41/1241
 707

0764

McGARRY RANCH
 HC 61 BOX 1080
 DUBOIS, ID 83423
 (208) 374-5470 OR 374-5473

Date 06/21/01

Pay to the Order of IDAHO Bank \$50⁰⁰/₁₀₀

fifty dollars & 00/₁₀₀ Dollars

The Bank of Commerce
 MUD LAKE OFFICE
 P.O. BOX 159
 TERRETON, IDAHO 83450

For Water Transfer

Patricia D. Dwyer MP

1241004171 17 0701162 01 0764

REGAL'S WORD

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

06/22/2001

WATER RIGHT NO. 32-2082

Owner Type Name and Address
Current Owner ANN WOODFIELD GROW, BLAIR B WOODFIELD
Current Owner WANDA B WOODFIELD, BRENT E WOODFIELD
5275 W CANYON CREEK RD
IDAHO FALLS, ID 83402
(208)524-6268

Priority Date: 07/30/1940 Basis: License Status: Active

Source Tributary to
MEDICINE LODGE CREEK SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	10 CFS		
STOCKWATER	1/01	12/31	0.02 CFS		

Total Diversion 10 CFS

Location of Point(s) of Diversion:

MEDICINE LODGE CREEK NWNWNW Sec. 20 Township 10N Range 35E CLARK County

IRRIGATION Use: Acre Limit: 1043

Place(s) of use: Place of Use Legal Description: IRRIGATION CLARK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
09N	35E	5		SWSW	3		SESW	3						
		6		SESW	3									
				SWSE	4		SESE	3						
		7		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	30		SENE	28						
				NESW	27		SESW	19						
				NESE	25		NWSE	40		SWSE	31		SESE	37
		8		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	40		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SESW	40
				NESE	40		NWSE	40		SESE	40			
		17		NENW	10		NWNW	18						
		18		NENE	2									

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 1043

Conditions of Approval:

1. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. 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.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 30.78 CFS. COMBINED RIGHT NOS.: 32-00034, 32-00035, 32-00036, 32-00037, 32-02019, 32-02076, 32-02132.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1043 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00034, 32-00035, 32-00036, 32-00037, 32-02019, 32-02076, 32-02132.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 500 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 32-00034, 32-00035, 32-00036, 32-00037, 32-02019, 32-02076.

Comments:

Author	Date	Subject	Comment
AJU10-EC	7/29/99	AJU10 CONDITION UPDATE	CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates:

Licensed Date: 04/17/1979
Claim Received Date: 06/23/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Other Information:

Receipt Number(s): E000487
State or Federal: S
Owner Name Connector: OR
Water District Number: 32C
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:NONE RECEIVED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 32-34

Priority Date: 10/01/1883

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

MEDICINE LODGE CREEK Tributary to: SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	2.91 CFS	0.0 AFA	
STOCKWATER	1/01	12/31	0.02 CFS	0.0 AFA	
	Total Diversion		2.91 CFS		

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
MEDICINE LODGE CREEK	10N	35E	20	NWNWNW		CLARK

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	35E	5											3.0	3.0					6.0
09N	35E	6												3.0			4.0	3.0	10.0
09N	35E	7	40.0	40.0	40.0	40.0	30.0			28.0	27.0			19.0	25.0	40.0	31.0	37.0	397.0
09N	35E	8	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	600.0
09N	35E	17					10.0	18.0											28.0
09N	35E	18	2.0																2.0

Total Acres: 1043

Conditions/Remarks:

1. THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
3. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 32-34

5. 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.
6. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 30.78 CFS. COMBINED RIGHT NOS.: 32-00035, 32-00036, 32-00037, 32-02019, 32-02076, 32-02082, 32-02132.^^^
7. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1043 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00035, 32-00036, 32-00037, 32-02019, 32-02076, 32-02082, 32-02132.^^^
8. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 32-00035, 32-00036, 32-00037, 32-02019, 32-02076, 32-02082.^^^
STOCKWATER 1000 CATTLE

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 32-43

Priority Date: 10/15/1884

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

MEDICINE LODGE CREEK Tributary to: SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	2.00 CFS	0.0 AFA	
STOCKWATER	4/01	10/31	0.02 CFS	0.0 AFA	
Total Diversion			2.00 CFS		

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
MEDICINE LODGE CREEK	11N	34E	25	SWNESE		CLARK
MEDICINE LODGE CREEK	11N	35E	31	NWSWSE		CLARK

PLACE OF USE: IRRIGATION

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
10N	35E	6																	136.0
11N	35E	31	40.0	39.0	38.0	40.0													157.0

Total Acres: 293

Conditions/Remarks:

1. 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.
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. USE OF THIS RIGHT WITH RIGHT NO. 32-00025 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 293 ACRES IN A SINGLE IRRIGATION SEASON.^^^

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 32-43

5. STOCKWATER, 800 CATTLE WATER IS DELIVERED THROUGH MEDICINE LODGE 25NESE
WATER IS DELIVERED THROUGH MEDICINE LODGE 31SWSE-W

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 32-43

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PATRICK T MCGARRY HC 61 BOX 1080 DUBOIS, ID 83423

Priority Date: 10/15/1884
Basis: Decreed
Status: Active

Source
MEDICINE LODGE CREEK

Tributary to
SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	2 CFS		
STOCKWATER	4/01	10/31	0.02 CFS		

Total Diversion 2 CFS

Location of Point(s) of Diversion:

MEDICINE LODGE CREEK	SWNESE	Sec. 25	Township 11N	Range 34E	CLARK County
MEDICINE LODGE CREEK	NWSWSE	Sec. 31	Township 11N	Range 35E	CLARK County

IRRIGATION Use: Acre Limit: 293

Place(s) of use: Place of Use Legal Description: IRRIGATION CLARK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
10N	35E	6		NESE	25		NWSE	38		SWSE	37		SESE	36
11N		31		NENE	40		NWNE	39		SWNE	38		SENE	40

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 293

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.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 32-00025 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 293 ACRES IN A SINGLE IRRIGATION SEASON.
2. Explanatory STOCKWATER, 800 CATTLE WATER IS DELIVERED THROUGH MEDICINE LODGE 25NESE WATER IS DELIVERED THROUGH MEDICINE LODGE 31SWSE-W

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
DCARLSO N	3/15/99	COPIED FROM REMARKS	STIPULATED AGREEMENT, 9/15/1953. P/D & P/U INCOMPLETE. THIS WATER RIGHT IS USED BEYOND THE IRRIGATION SEASON FROM MAR 01 TO NOV. 31. STOCKWATER IS ALSO USED DURING THIS PERIOD.
AJU10-EC	7/29/99	AJU10 CONDITION UPDATE	CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

<u>Dates:</u>	Licensed Date:	Decreed Date:	06/13/1901
	Claim Received Date: 06/07/1988	Date Filed with Court:	
	Enlargement Use Priority Date:	Objection Filed Date:	
	Enlargement Statute Priority Date:	SF5 Filed:	
		Special Master Recom Signed Date:	

WATER DIST. #32-C
GREGORY A. SHENTON - WATER MASTER
BART A. MAY - DEPUTY WATER MASTER
P.O. BOX 33
DUBOIS, IDAHO 83423
(208) 374-5274
(208) 374-5696 fax

Idaho Department Of Water Resources

June 21, 2001

As you are aware, our county has declared it's self as a drought emergency county. Steve Worthing has came into our office and has asked us about transferring the McGarry Ranch decreed water right, "32-0025" to his diversion for the purpose of irrigation of his crops. We do not see a problem with this, as long as the McGarry Ranch no longer diverts water out of their diversion and Worthing agrees to a 8%, "eight percent" channel seepage loss. We also see no injury to other senior water right holders by the temporary transfer of this water for this year. Therefore we do endorse approval of this temporary transfer.

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

Right #	Priority date	amount	8% loss	total diverted
0032-025	10-01-83	3.36 cfs	.27 cfs	3.09 cfs

Sincerely;


Bart A. May
Deputy Water master

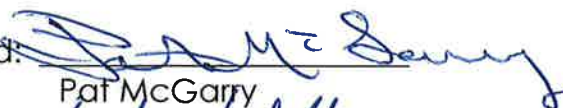
Contract
Between
McGarry Ranch and Steve Worthing

June 21, 2001

We the undersigned enter into an agreement this 21 day in the month of June 2001.

The conditions of this agreement are as follows.

1. Subject to approval of the department of water resources, the McGarry Ranch will transfer the use of all owned surface water to Steve Worthing starting June 25, 2001 to September 15, 2001. This is a temporary transfer and only to be used for the above dates. Water will be diverted down stream to the Worthing check, in Medicine Lodge Creek. It is understood that during the above dates that McGarry Ranch will not be able to take or use any water in his ditch or on his land until September 15, 2001 when this contract expires.
2. Payment for the above use of the McGarry Ranch water, will be as follows. Worthing will deliver to the McGarry Ranch upon their request 70 ton of good feeder hay.

Signed: 
Pat McGarry

Signed: 
Steven Worthing