

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76887

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant(s) Egan Land and Cattle LLC Brian D Egan Phone 208-374-5460
Brian and DeAnna Egan
Mailing address 84 Rowland Rd. Dubois, Idaho 83423 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 _____ Phone _____
Mailing address _____ Email _____

- ☐ 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.

by Brian Egan / Member Brion D Egan 10/22/10
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

DeAnna Egan
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**. Wants to move the place of use to new location to take advantage of a gravity flow delivery system.

RECEIVED

OCT 22 2010

Department of Water Resources
Eastern Region

76887

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

76887

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 (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part						
☒	☐	32-7098	4.44	Irrigation	4/1 to 10/31	Medicine Lodge Crk./ Sinks
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 4.44 cfs and/or 777.00 ac-ft

2. Total amount of water proposed to be transferred or changed 4.44 cubic feet per second and/or 777.00 acre-feet per annum.

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 #

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	
11N	35E	32									36	37	37	36		38	38		222

Total Acres (for irrigation use) 222

76887

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

76887

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: headgate on creek, goes over a weir for measuring and an intake structure to put it in the pipe in the gravity flow pipe. Lockable headgate with a weir for measuring.

- b. Who owns the property at the point(s) of diversion? no

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Water master is the only one that is able to access the POD.

- 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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: The land now irrigate will be dried up.

- e. 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: The following water rights share the same POD that deals with this proposed transfer: 32-25, 32-45, 32-7097, 32-13296, 32-13298, 32-13000, 32-13002, 32-13304, 32-13306.

- f. 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:

76887

76887

Transfer No. _____
Receipt No. _____

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

Current Water Right No. 32-7098

Priority Date: 12/23/1999
 Origin: Water Right
 Basis: License
 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	04/01 10/31	4.44 CFS	777.0 AFA	
Total Diversion		4.44 CFS	777.0 AFA	

Source and Point(s) of Diversion:

MEDICINE LODGE CREEK SWNESE 11N 34E 25 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	
11N 35E 32					32.0	40.0	40.0	34.0							38.0	38.0	222.0

Total Acres: 222

Conditions/Remarks:

1. 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.
2. 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.
3. The following rights are diverted through point(s) of diversion described above: 32-25, 32-43, 32-7097, 32-7098, 32-13296, 32-13298, 32-13300, 32-13302, 32-13304, 32-13306.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.

76887

76887

Transfer No. _____

Receipt No. _____

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

Current Water Right No. 32-7098

Documentation of Ownership of the Current Place of Use

Warranty Deed

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

YES

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

The land now irrigated will be dried up.

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

NO

76887

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

76887

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ 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. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by D/L Date 10-22-10 Prelim. Check by _____ Date _____

Fee Paid \$410 Date 10-22-10 Received by JB Receipt # E036231

Add'l Fee Paid	Date	Received by	Receipt #
----------------	------	-------------	-----------

76887

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76887

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 <http://www.idwr.idaho.gov/>.

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. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf
 - ☒ * 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 #1-9.

- ☐ ☒ #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 transfer 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).
- ☐ ☒ #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 http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.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.
- ☐ ☒ #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.)
- ☐ ☒ #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 Other. Please describe: _____

76887

Warranty Deed

For Value Received **ANGIELEN PROPERTIES, LLC**, an Idaho Limited Liability Company, by Gary L. Egan, President of Egan Dynasty Corp, General Partner of GNF Co. RLLP, Member of Angielen Properties LLC, the grantor, does hereby grant, bargain, sell and convey unto **EGAN LAND AND CATTLE, LLC**, an Idaho Limited Liability Company, by Brion D. Egan Member Egan Land And Cattle, LLC. Whose current address is **84 Rowland Road, Dubois, ID 83423, County of Clark, State of Idaho.**

Hereinafter called the grantee, the following described premises, in Clark County, Idaho, to wit:

1. Township 11 North, Range 35 East of the Boise Meridian, CLARK COUNTY, IDAHO, Section 32: SW 1/4
2. Township 13 North, Range 33 East of the Boise Meridian, CLARK COUNTY, IDAHO, SECTION 20: ALL, Including Structures.

EXCEPTING THEREFROM: Public road right of way through said section.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and to the grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that [Angielen Properties, LLC] is the owner in fee simple of said premises, that they are free from all encumbrances and that [Angielen Properties, LLC] will warrant and defend the same from all lawful claims whatsoever.

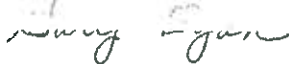
Dated September 14, 2010

ANGIELEN PROPERTIES, LLC, An Idaho Limited Liability Company, by Gary L. Egan President of EGAN DYNASTY CORP, General Partner of GNF Co. RLLP, Member of Angielen Properties LLC


GARY L. EGAN

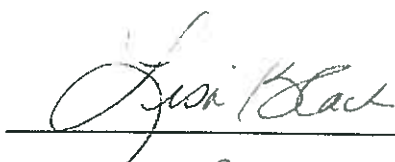
STATE OF IDAHO, COUNTY OF CLARK

On this 14th day of September, 2010, before me, a notary public in and for said State, Personally appeared



known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that he executed the same





Residing at Dubois Idaho

Commission Expires 7/27/12

Microfilm No. _____
14 Day August 20 10
At 9:15 O'Clock A M
LISA BLACK

Clark Co. Recorder
Fee \$ 10.00
 Deputy

Recorded at Request of
BRION D. EGAN



Bank of Idaho
Blair Lyon
Vice President / Comm Loan Officer
399 N. Capital Ave.
Idaho Falls, ID 83402
208-528-3013

Egan Land & Cattle
Brion Egan
84 Roland Rd.
Dubois, ID 83423

Re: Water Right No. 32-07098

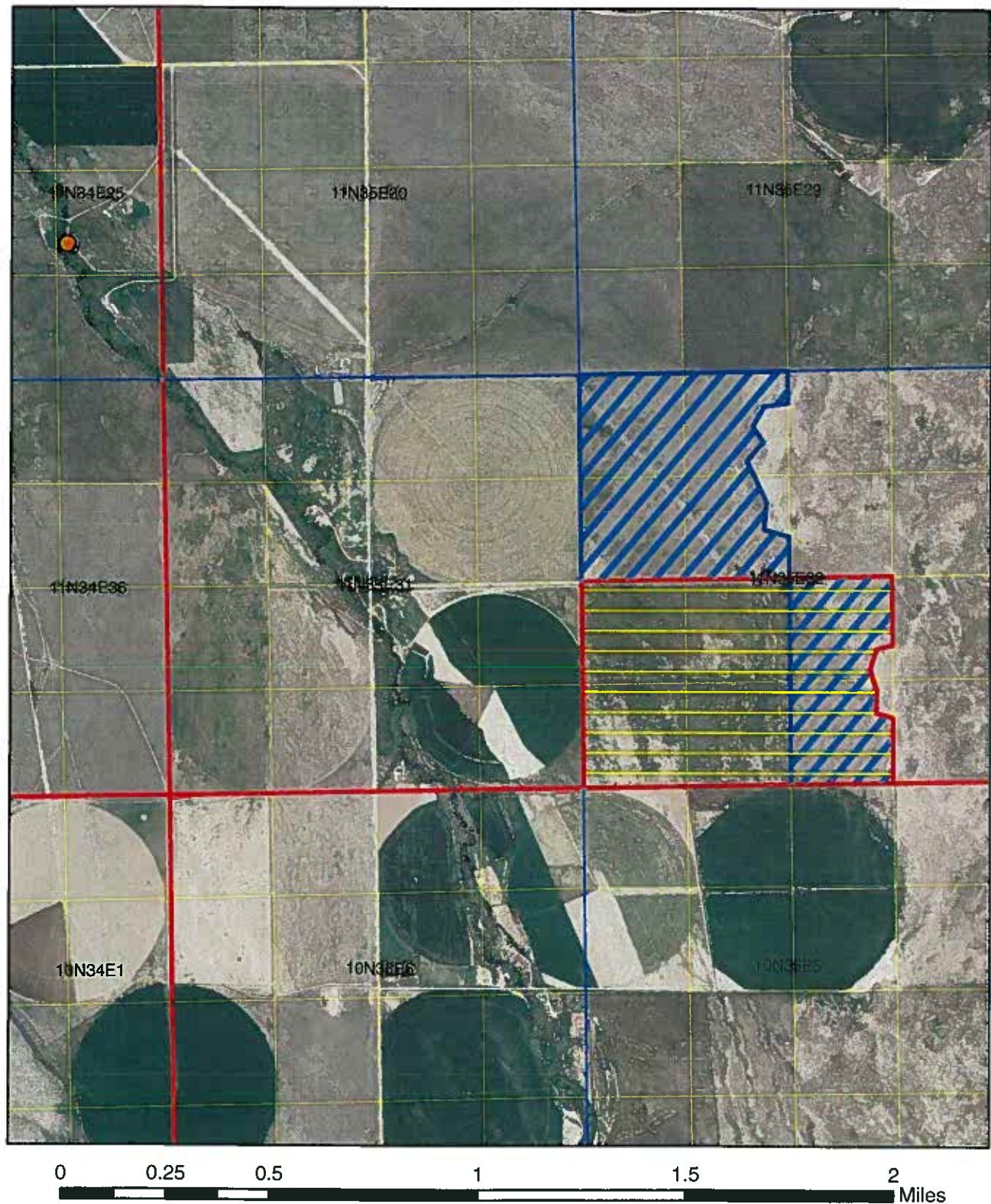
Dear Mr. Egan,

Your request to transfer Water Right # 32-07098 from the 1400 acre parcel of range land encumbered by Bank of Idaho loan # 15560667, has been approved by both The Bank of Idaho and Farm Service Agency. Please feel free to complete any documentation necessary for the subject transfer and I will complete the documentation required by the bank. Please feel free to call me with any further questions or concerns.

Sincerely,

Blair G. Lyon
Vice President / Comm. Loan Officer

Proposed Transfer 76887



Legend

- 32-7098 POD
- T76887
- ▨ 32-7098 Old

Prepared by Denise Kidman
On November 11, 2010
2009 Aerial Photography



76887



IDAHO SECRETARY OF STATE

Viewing Business Entity

Ben Ysursa, Secretary of State

[[New Search](#)] [[Back to Summary](#)]
[[Get a certificate of existence for EGAN LAND & CATTLE, LLC](#)]

EGAN LAND & CATTLE, LLC

84 ROWLAND RD
DUBOIS, ID 83423

Type of Business: LIMITED LIABILITY COMPANY

Status: EXISTING, ANREPT SENT 04 Dec 2009

State of Origin: IDAHO

Date of 20 Feb 2004

Origination/Authorization:

Current Registered Agent: BRION EGAN
84 ROWLAND RD
DUBOIS, ID 83423

File Number: W28727

Date of Last Annual Report: 19 Dec 2009

Original Filing:

Filed 20 Feb 2004 ARTICLES OF
ORGANIZATION

[[Help Me Print/View TIFF](#)]
[View Image \(PDF format\)](#)
[View Image \(TIFF format\)](#)

Annual Reports:

Report for year 2010 ANNUAL REPORT

[[Help Me Print/View TIFF](#)]
[View Document Online](#)

Report for year 2009 ANNUAL
REPORT

[View Image \(PDF format\)](#) [View
Image \(TIFF format\)](#)

Report for year 2008 ANNUAL
REPORT

[View Image \(PDF format\)](#) [View
Image \(TIFF format\)](#)

Report for year 2007 ANNUAL
REPORT

[View Image \(PDF format\)](#) [View
Image \(TIFF format\)](#)

Report for year 2006 ANNUAL
REPORT

[View Image \(PDF format\)](#) [View
Image \(TIFF format\)](#)

Report for year 2005 ANNUAL
REPORT

[View Image \(PDF format\)](#) [View
Image \(TIFF format\)](#)

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@sos.idaho.gov