

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 70179**

This is to certify that: BRION D EGAN  
 HC 61 BOX 1060  
 DUBOIS ID 83423  
 (208)374-5460

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. 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 Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acres</u> | <u>Total</u> | <u>Source</u>        |
|--------------|---------------------|-----------------|-------------|---------------|--------------|--------------|----------------------|
| 32-10A       | WR/Decreed          | 04/15/1884      | 0.29 cfs    | 123.1 af      |              | 269.0        | MEDICINE LODGE CREEK |
| 32-12A       | WR/Decreed          | 04/15/1885      | 3.62 cfs    | 928.9 af      |              | 269.0        | MEDICINE LODGE CREEK |
| 32-11A       | WR/Decreed          | 05/01/1884      | 1.26 cfs    | 534.8 af      |              | 269.0        | MEDICINE LODGE CREEK |
| 32-13A       | WR/Decreed          | 11/01/1885      | 0.23 cfs    | 97.6 af       |              | 269.0        | MEDICINE LODGE CREEK |
| 32-9A        | WR/Decreed          | 02/01/1884      | 0.19 cfs    | 80.6 af       |              | 269.0        | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 32-10A                | NO           | YES        | YES        | NO             | NO                   | NO                   |
| 32-12A                | NO           | YES        | YES        | NO             | NO                   | NO                   |
| 32-11A                | NO           | YES        | YES        | NO             | NO                   | NO                   |
| 32-13A                | NO           | YES        | YES        | NO             | NO                   | NO                   |
| 32-9A                 | NO           | YES        | YES        | NO             | NO                   | NO                   |

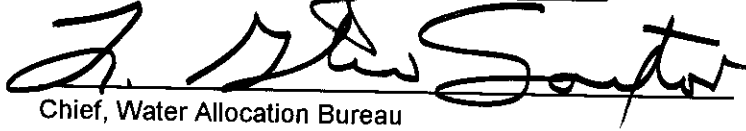
**Summary of Water Rights After the Approved Change**

| <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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 32-10A                | <b>32-10A</b>                    | 0.27 cfs             | 123.1 af               | N/A               | 265.4              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 32-12A                | <b>32-12A</b>                    | 3.37 cfs             | 928.9 af               | N/A               | 265.4              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 32-11A                | <b>32-11A</b>                    | 1.17 cfs             | 534.8 af               | N/A               | 265.4              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 32-13A                | <b>32-13A</b>                    | 0.21 cfs             | 97.6 af                | N/A               | 265.4              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 32-9A                 | <b>32-9A</b>                     | 0.18 cfs             | 80.6 af                | N/A               | 265.4              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>TOTALS</b>         |                                  | <b>5.2 cfs</b>       | <b>928.9 af</b>        | <b>N/A</b>        | <b>265.4</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER OF WATER RIGHT  
TRANSFER NO. 70179

Detailed Water Right Description(s) attached

Dated this 14<sup>th</sup> day of January, 2003

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 32-9A**  
**As Modified by Transfer No. 70179**

In accordance with the approval of Transfer No. 70179, Water Right No. 32-9A is now described as follows.

**Right Holder:** BRION D EGAN  
 HC 61 BOX 1060  
 DUBOIS ID 83423

**Priority Date:** February 01, 1884

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

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 11/01  | 0.18 CFS              | 80.6 AF       |
|                       |             |           | 0.18 CFS              | 80.6 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

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

**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 |        |
| 10N | 35E | 7   |      |      |      |      |      |    |    |      |    |    |    |    |    |    |    |    | 65.4   |
| 10N | 35E | 18  | 21.0 | 40.0 | 40.0 | 21.0 | 39.0 |    |    | 39.0 |    |    |    |    |    |    |    |    | 200.0  |

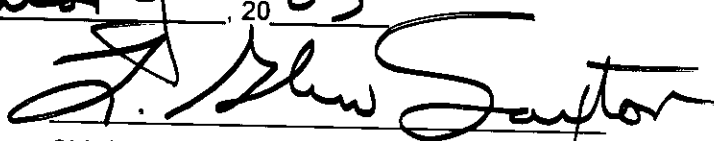
Total Acres: 265.4

**CONDITIONS OF APPROVAL**

1. Rights 32-9A, 32-10A, 32-11A, 32-12A and 32-13A when combined shall not exceed a total diversion rate of 5.2 cfs, a total annual maximum diversion volume of 928.9 af at the field headgate, and the irrigation of 265.4 acres.
2. 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. 32-C.
3. 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.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. 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.

This water right 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.

Dated this 14<sup>th</sup> day of January, 2003

  
 Chief, Water Allocation Bureau

**WATER RIGHT NO. 32-10A**  
**As Modified by Transfer No. 70179**

In accordance with the approval of Transfer No. 70179, Water Right No. 32-10A is now described as follows.

**Right Holder:** BRION D EGAN  
 HC 61 BOX 1060  
 DUBOIS ID 83423

**Priority Date:** April 15, 1884

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

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 11/01  | 0.27 CFS              | 123.1 AF      |
|                       |             |           | 0.27 CFS              | 123.1 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

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

**PLACE OF USE:** IRRIGATION

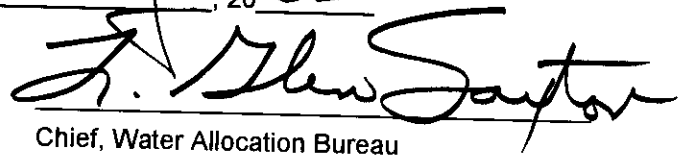
| Twp                | Rge | Sec | NE   |      |      |      | NW   |    |    |      | SW |    |    |    | SE   |    |    |      | Totals |
|--------------------|-----|-----|------|------|------|------|------|----|----|------|----|----|----|----|------|----|----|------|--------|
|                    |     |     | NE   | NW   | SW   | SE   | NE   | NW | SW | SE   | NE | NW | SW | SE | NE   | NW | SW | SE   |        |
| 10N                | 35E | 7   |      |      |      |      |      |    |    |      |    |    |    |    | 32.7 |    |    | 32.7 | 65.4   |
| 10N                | 35E | 18  | 21.0 | 40.0 | 40.0 | 21.0 | 39.0 |    |    | 39.0 |    |    |    |    |      |    |    |      |        |
| Total Acres: 265.4 |     |     |      |      |      |      |      |    |    |      |    |    |    |    |      |    |    |      | 200.0  |

**CONDITIONS OF APPROVAL**

1. Rights 32-9A, 32-10A, 32-11A, 32-12A and 32-13A when combined shall not exceed a total diversion rate of 5.2 cfs, a total annual maximum diversion volume of 928.9 af at the field headgate, and the irrigation of 265.4 acres.
2. 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. 32-C.
3. 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.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. 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.

This water right 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.

Dated this 14<sup>th</sup> day of January, 2003

  
 Chief, Water Allocation Bureau

**WATER RIGHT NO. 32-11A**  
**As Modified by Transfer No. 70179**

In accordance with the approval of Transfer No. 70179, Water Right No. 32-11A is now described as follows.

**Right Holder:** BRION D EGAN  
 HC 61 BOX 1060  
 DUBOIS ID 83423

**Priority Date:** May 01, 1884

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

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 11/01  | 1.17 CFS              | 534.8 AF      |
|                       |             |           | 1.17 CFS              | 534.8 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

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

**PLACE OF USE:** IRRIGATION

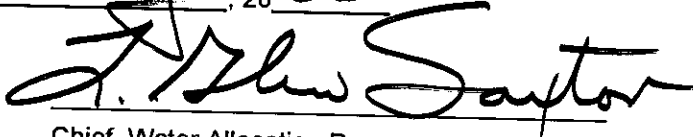
| Twp          | Rge | Sec | NE    |      |      |      | NW   |    |    |      | SW |    |    |    | SE |    |    |    | Totals |
|--------------|-----|-----|-------|------|------|------|------|----|----|------|----|----|----|----|----|----|----|----|--------|
|              |     |     | NE    | NW   | SW   | SE   | NE   | NW | SW | SE   | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 10N          | 35E | 7   |       |      |      |      |      |    |    |      |    |    |    |    |    |    |    |    | 65.4   |
| 10N          | 35E | 18  | 21.0  | 40.0 | 40.0 | 21.0 | 39.0 |    |    | 39.0 |    |    |    |    |    |    |    |    | 200.0  |
| Total Acres: |     |     | 265.4 |      |      |      |      |    |    |      |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Rights 32-9A, 32-10A, 32-11A, 32-12A and 32-13A when combined shall not exceed a total diversion rate of 5.2 cfs, a total annual maximum diversion volume of 928.9 af at the field headgate, and the irrigation of 265.4 acres.
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This water right 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.

Dated this 14<sup>th</sup> day of January, 2003

  
 Chief, Water Allocation Bureau

**WATER RIGHT NO. 32-12A**  
**As Modified by Transfer No. 70179**

In accordance with the approval of Transfer No. 70179, Water Right No. 32-12A is now described as follows.

**Right Holder:** BRION D EGAN  
 HC 61 BOX 1060  
 DUBOIS ID 83423

**Priority Date:** April 15, 1885

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

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 11/01  | 3.37 CFS              | 928.9 AF      |
|                       |             |           | 3.37 CFS              | 928.9 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

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

**PLACE OF USE:** IRRIGATION

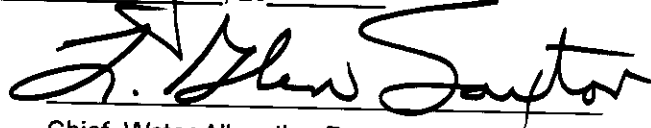
| Twp          | Rge | Sec | NE   |      |      |      | NW   |    |    |      | SW |    |    |    | SE |    |    |    | Totals |
|--------------|-----|-----|------|------|------|------|------|----|----|------|----|----|----|----|----|----|----|----|--------|
|              |     |     | NE   | NW   | SW   | SE   | NE   | NW | SW | SE   | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 10N          | 35E | 7   |      |      |      |      |      |    |    |      |    |    |    |    |    |    |    |    | 65.4   |
| 10N          | 35E | 18  | 21.0 | 40.0 | 40.0 | 21.0 | 39.0 |    |    | 39.0 |    |    |    |    |    |    |    |    | 200.0  |
| Total Acres: |     |     |      |      |      |      |      |    |    |      |    |    |    |    |    |    |    |    | 265.4  |

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Dated this 14<sup>th</sup> day of January, 2003

  
 Chief, Water Allocation Bureau

**WATER RIGHT NO. 32-13A**  
**As Modified by Transfer No. 70179**

In accordance with the approval of Transfer No. 70179, Water Right No. 32-13A is now described as follows.

**Right Holder:** BRION D EGAN  
 HC 61 BOX 1060  
 DUBOIS ID 83423

**Priority Date:** November 01, 1885

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

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 11/01  | 0.21 CFS              | 97.6 AF       |
|                       |             |           | 0.21 CFS              | 97.6 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

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

**PLACE OF USE:** IRRIGATION

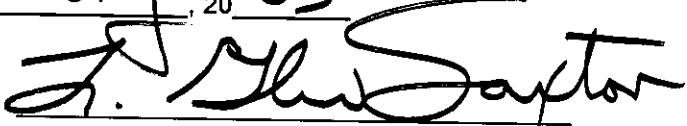
| Twp          | Rge | Sec | NE   |      |      |      | NW   |    |    |      | SW |    |    |    | SE   |    |    |      | Totals |
|--------------|-----|-----|------|------|------|------|------|----|----|------|----|----|----|----|------|----|----|------|--------|
|              |     |     | NE   | NW   | SW   | SE   | NE   | NW | SW | SE   | NE | NW | SW | SE | NE   | NW | SW | SE   |        |
| 10N          | 35E | 7   |      |      |      |      |      |    |    |      |    |    |    |    | 32.7 |    |    | 32.7 | 65.4   |
| 10N          | 35E | 18  | 21.0 | 40.0 | 40.0 | 21.0 | 39.0 |    |    | 39.0 |    |    |    |    |      |    |    |      | 200.0  |
| Total Acres: |     |     |      |      |      |      |      |    |    |      |    |    |    |    |      |    |    |      | 265.4  |

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Dated this 14<sup>th</sup> day of January, 2003

  
 Chief, Water Allocation Bureau