

Water Supply Bank No _____

Water Right No _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECEIVED

MAY 14 2007

APPLICATION TO SELL OR LEASE A WATER RIGHT Department of Water Resources
TO THE WATER SUPPLY BANK

Name of Seller/Lessor Kirk Egbert Phone (Home) (208) 663-4505 / (Cell) 351-4505
Post office address 1410 E 1300 N, Terreton, ID 83450

- 1 DESCRIPTION OF WATER RIGHT: See Attached Water Right Proof Reports
Right evidenced by 31-7267A, 31-10964A, 31-7084, 31-7569, 31-7103, 31-11387, 31-7104, 31-7105,
31-11388, 31-7106, 31-11389 See Attached Water Right Proof
- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____ (Name of court)
- b. License No _____ issued by the Idaho Department of Water
Resources
- c. Permit No. _____ issued by the Idaho Department of Water
Resources

- 2 DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease,
show "all" on line a below and skip the remainder of part 2) See Attached List of Water Rights
- a. Amount of water under right: 2.03 cubic feet per second &/or
386.3 acre-feet per annum
- b. Point of diversion: _____ ¼ of _____ ¼ of Section _____ Township _____ Range
_____, B.M. in _____ County
Additional points See Attached Water Right Proof Reports

c. Place of use: See Attached Schedule listing Place of Use.

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank. 127.5
 Total number of acres _____

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

- a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

Applicant either owns the water right or is the Representative of the right
holder. See Attached Water Right Proof Reports.

- b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years)

All Water Rights involved in this lease were Decreed in the SRBA 02/22/2002

- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

N/A

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

NO

- e. If the water right is a permit, describe the work accomplished toward developing the right.

N/A

- f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached

4. REMARKS:

The purpose of leasing this right to the Water Bank is done in order to allow

the applicant to rent the same amount to cover lands in the NW¼ Sec 1,

and NE ¼ Sec 2, T07N, R37E. See accompanying Application to Rent

Water from the Water Supply Bank.

5 SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale;

X For lease for a period from May 1, 2007 to Dec 31, 2007
(Day, month, year) (Day, month, year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the state of Idaho.

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

Current Rental Rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

5/4/07
Date


Signature

FOR DEPARTMENT USE ONLY

Received by WJM Date 5/10/2007 Preliminary check by E. 032872

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

Memo

TO: Water Master for Water District 110

May 9, 2007

From: Keith C. Wilson for Kirk Egbert

482 Constitution, Idaho Falls, ID 83402

E-Mail: kwilson@rockymountainenvironmental.com

VOICE: 208-524-2353 ||| FAX: 208-524-1795



RE: Water District 110 Cease & Desist Order dated 04/09/2007
P/U Rights 31-11410, 31-11414 & 31-11428

Water District 110 issued Kirk Egbert a Cease and Desist order for irrigation of approximately 140 acres in excess of the 120 acres of water right allowed for 2007 under rights 31-11410, 31-11414 & 31-11428.

Rights 31-11410, 31-11414 and 31-11428, when combined shall not exceed a total diversion rate of 4.54 cfs, a total annual maximum diversion volume of 697.4 af at the field headgate, the irrigation of 230 acres, and as further restricted by the mitigation schedule described in Transfer # 70815 [(Transfer approved Jan 1005 (Year 1))]:

Summary of "Schedule of allowed use":

Years 1 through 3 the rights limited to 2.37 cfs, 367.4 afa & 120 acres.

Years 4 through 10 limited to yearly incremental increases of 0.10 cfs & 5 acres.

Years 11 through 34 limited to yearly incremental increases of 0.06 cfs & 3 acres.

Years 35 & beyond the rights are limited to 4.54 cfs 697.4 afa and 230 acres.

For 2007 the irrigation season Mr. Egbert proposed to remove the end-guns from the pivots covered under the rights listed below and place the 127.5 acres of water in the Water Bank. Mr. Egbert will then rent 127.5 acres of water from the Water Bank to mitigate for the irrigation of the NW¼ Section 01 and NE¼ Section 2, T07N, R37E.

The FSA has identified 247.1 acres (see attached aerial.) irrigated in the NW¼ Sec 1 (127.35 ac), and NE ¼ Sec 2 (119.75 ac), T07N, R37E.

Using the 127.5 acres leased from the Water Bank and the 120.0 acres allowed under rights 31-11410, 31-11414 & 31-11428 will allow Mr. Egbert to irrigate the 247.5 acres for the 2007 irrigation season.

Assumptions:

1. Standard ¼ mile pivot is 1316.0 feet long plus the end gun.
2. Standard ¼ mile pivot without end-gun has an irrigated radius of 1320 feet.
3. Acres irrigated without an end gun = 124.9 acres.
4. Total irrigated acres = 124.9 ac (31.225 ac/qq).
5. In analysis will use 31.5 ac/qq or 126.0 ac with the end gun is removed.
6. Will need to rent 386.3 af [(127.5 ac)(3.03 af/ac)]
[31-11410/11414/11429; (697.4 afa ÷ 230 ac = 3.03 af/ac)]

RE: Egbert 31-11410, 31-11414 & 31-11428

1 of 2

Water Rights to be used for mitigation:

31-7267A & 31-10964A -----

T05N, R35E	¼-¼	Decreed	Mitigation	
Sec 5	L-4 (SWNW)	30.0	0.0	
	NWSW	31.5	0.5	
Sec 6	L-1 (SENE)	40.0	8.5	
	L-2 (SWNE)	40.0	8.5	
	L-3 (SENW)	40.0	8.5	
	NESW	40.0	8.5	
	NESE	40.0	8.5	
	NWSW	40.0	8.5	= 51.5 ac

31-7084 -----

T06N, R34E	¼	Decreed	Mitigation	
Sec 32	NW (34ac/qq)	136.0	10.0 (2.5/qq)(4)	
	SW (34ac/qq)	136.0	10.0	= 20.0 ac

31-7569 -----

T06N, R35E	¼-¼	Decreed	Mitigation	
Sec 28	NESE	36.0	4.5	
	NWSE	35.0	3.5	
	SWSE	35.0	3.5	
	SESE	36.0	4.5	= 16.0 ac

31-7103 & 31-11387, -----

T08N, R37E	¼-¼	Decreed	Mitigation	
Sec 33	NENE	36.0	4.5	
	NWNE	34.0	2.5	
	SWNE	34.0	2.5	
	SENE	35.5	3.5	= 13.0 ac

31-7104 -----

T08N, R37E	¼-¼	Decreed	Mitigation	
Sec 33	NENW	33.0	1.5	
	NWNW	33.0	1.5	
	SWNW	33.0	1.5	
	SENW	33.0	1.5	= 6.0 ac

31-7105 & 31-11388 -----

T08N, R37E	¼-¼	Decreed	Mitigation	
Sec 33	NESW	35.0	3.5	
	NWSW	35.0	3.5	
	SWSW	33.0	1.5	
	SESW	33.0	1.5	= 10.0 ac

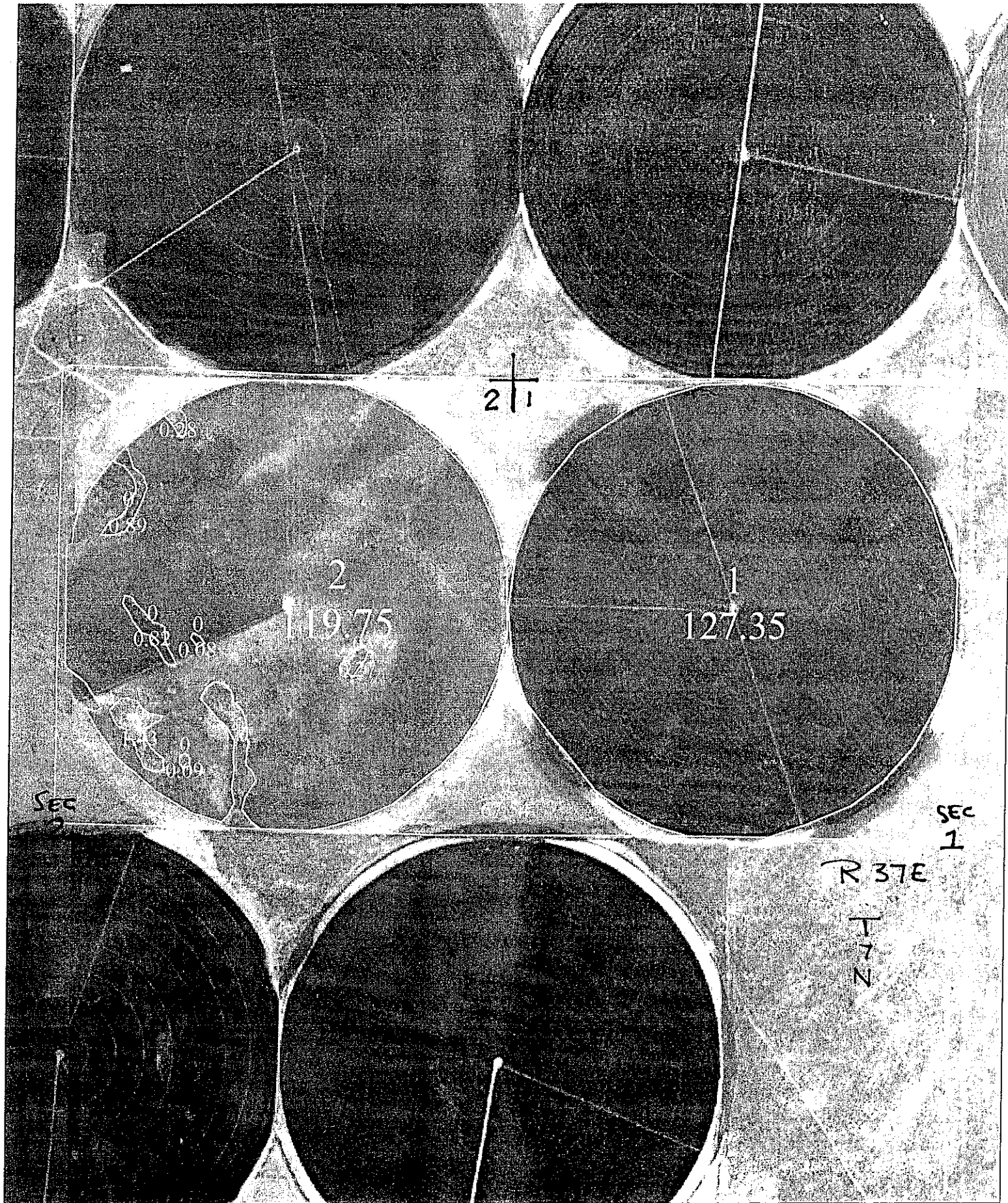
31-7106 -----

T08N, R37E	¼-¼	Decreed	Mitigation	
Sec 33	NESE	35.0	3.5	
	NWSE	35.0	3.5	
	SWSE	33.0	1.5	
	SESE	34.0	2.5	= 11.0 ac

Total Acres available for Mitigation = 127.5 ac

Total Volume available for Mitigation = (127.5 ac)(3.03 af/ac) = 386.3 af

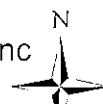
[31-11410, 31-11414 & 31-11429; (697.4 afa ÷ 230 ac = 3.03 af/ac)]
 [(127.5 ac)(3.03 af/ac)]



United States Department of Agriculture
Farm Service Agency
Jefferson County, Idaho

Map 01 0007

Farm: 3872
Tract: 10324
Kirk S Egbert Ranches Inc
1-7-38



Owner Type Name and Address

Current Owner KIRK S EGBERT
 1410 E 1300 N
 PO BOX 87
 TERRETON, ID 83450
 (208)663-4505

Priority Date: 09/07/1977

Basis: Decreed

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/01 11/01 2.89 CFS

Total Diversion 2.89 CFS

Point(s) of Diversion: SWSENE Lt 1 Sec. 06 Township 05N Range 35E JEFFERSON County

IRRIGATION Use: Acre Limit: 285

Place(s) of use: IRRIGATION JEFFERSON 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>
05N	35E	5	4	SWNW	30									
				NWSW	32									
		6	2	SWNE	40	1	SENE	40						
			3	SENE	40									
				NESW	40									
				NESE	40		NWSE	40						

Total Acres: 302

Conditions of Approval:

1. RIGHT NO. 31-10964A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
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. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 285 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT 31-10964A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 302 ACRES IN A SINGLE IRRIGATION SEASON.
4. USE OF THIS RIGHT WITH RIGHT NO. 31-10964A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.24 CFS AND IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1057 AF.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates: Decreed Date: 02/22/2002

Owner Type Name and Address

Current Owner KIRK S EGBERT
 1410 E 1300 N
 PO BOX 87
 TERRETON, ID 83450
 (208)663-4505

Priority Date: 02/25/1959

Basis: Decreed

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 4/01 10/31 2.74 CFS 805 AFA

Total Diversion 2.74 CFS

Point(s) of Diversion: SWSENE Lt 1 Sec. 06 Township 05N Range 35E JEFFERSON County

IRRIGATION Use: Acre Limit: 230

Place(s) of use: IRRIGATION JEFFERSON 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>
05N	35E	5	4	SWNW	30									
				NWSW	32									
		6	2	SWNE	40	1	SENE	40						
			3	SENE	40									
				NESW	40									
				NESE	40		NWSE	40						

Total Acres: 302

Conditions of Approval:

1. RIGHT NO. 31-07267A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 31-02367, 31-02368, 31-02373.
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.
4. USE OF THIS RIGHT WITH RIGHT 31-07267A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 302 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 230 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. USE OF THIS RIGHT WITH RIGHT NO. 31-07267A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.24 CFS AND IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1057 AF.

Dates: Decreed Date: 02/22/2002

WATER RIGHT NO. 31-7084

Water Right Report

05/03/2007

Owner Type Name and Address

Current Owner RICHARD A EGBERT
C/O BRAD EGBERT
1134 BOND AVE
REXBURG, ID 83440-1810
(208)356-8818

Representative KIRK S EGBERT
1410 E 1300 N
PO BOX 87
TERRETON, ID 83450
(208)663-4505

Priority Date: 03/26/1973

Basis: Decreed

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/01 10/31 3.63 CFS 816 AFA

Total Diversion 3.63 CFS

Point(s) of Diversion: SENW Sec. 32 Township 06N Range 34E JEFFERSON County

Place(s) of use: IRRIGATION JEFFERSON 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>
06N	34E	32		NENW 34			NWNW 34			SWNW 34			SENW 34	
				NESW 34			NWSW 34			SWSW 34			SESW 34	

Total Acres: 272

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.

Dates:

Decreed Date: 02/22/2002

WATER RIGHT NO. 31-7569

Water Right Report

05/03/2007

Owner Type Name and Address

Current Owner KIRK S EGBERT RANCHES INC
PO BOX 87
TERRETON, ID 83450
(208)663-4505

Priority Date: 12/12/1975

Basis: Decreed

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/01 11/01 2.28 CFS 497 AFA

Total Diversion 2.28 CFS

Location of Point(s) of Diversion:

GROUND WATER NWSE Sec. 28 Township 06N Range 35E JEFFERSON County

Place(s) of use: IRRIGATION JEFFERSON County

Township Range Section Lot Tract Acres Lot Tract Acres Lot Tract Acres Lot Tract Acres

06N 35E 28 NESE 36 NWSE 35 SWSE 35 SESE 36

Total Acres: 142

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.

Dates:

Decreed Date: 02/22/2002

Owner Type **Name and Address**
 Current Owner RICHARD A EGBERT
 C/O BRAD EGBERT
 1134 BOND AVE
 REXBURG, ID 83440-1810
 (208)356-8818
 Representative KIRK S EGBERT
 1410 E 1300 N
 PO BOX 87
 TERRETON, ID 83450
 (208)663-4505

Priority Date: 03/18/1974

Basis: Decreed

Status: Active

Source **Tributary**
 GROUND WATER

Beneficial Use **From** **To** **Diversion Rate** **Volume**
 IRRIGATION 04/01 11/01 1.83 CFS 396 AFA
 Total Diversion 1.83 CFS

Point(s) of Diversion: NWSENE Sec. 33 Township 08N Range 37E FREMONT County

IRRIGATION Use: Acre Limit: 132

Place(s) of use: IRRIGATION FREMONT 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>
08N	37E	33		NENE 36			NWNE 34			SWNE 34			SENE 35	

Total Acres: 139

Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 132 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. E51 USE OF THIS RIGHT WITH RIGHT NO. 31-11387 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.83 CFS.
3. K01 RIGHT NO. 31-11387 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
4. 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.
5. E55 USE OF THIS RIGHT WITH RIGHT NO. 31-11387 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 139 ACRES IN A SINGLE IRRIGATION SEASON.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 02/22/2002

WATER RIGHT NO. 31-11387

Owner Type Name and Address

Current Owner RICHARD A EGBERT

Representative KIRK S EGBERT

1410 E 1300 N

PO BOX 87

TERRETON, ID 83450

(208)663-4505

Priority Date: 07/15/1981

Basis: Decreed

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/01 10/31 0.12 CFS 24.5 AFA

Total Diversion 0.12 CFS

Location of Point(s) of Diversion:

GROUND WATER NWSENE Sec. 33 Township 08N Range 37E FREMONT County

IRRIGATION Use: Acre Limit: 7

Place of Use Legal Description: IRRIGATION FREMONT County

Township Range Section Lot Tract Acres Lot Tract Acres Lot Tract Acres Lot Tract Acres

08N 37E 33 NENE 36 NWNE 34 SWNE 34 SENE 35

Total Acres: 139

Conditions of Approval:

1. E51 USE OF THIS RIGHT WITH RIGHT NO. 31-7103 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.83 CFS.
2. E55 USE OF THIS RIGHT WITH RIGHT NO. 31-7103 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 139 ACRES IN A SINGLE IRRIGATION SEASON.
3. K09 THIS RIGHT IS FOR AN ENLARGEMENT OF 7 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.
6. C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

Dates:

Decreed Date: 02/22/2002

Owner Type Name and Address

Current Owner RICHARD A EGBERT
 C/O BRAD EGBERT
 1134 BOND AVE
 REXBURG, ID 83440-1810
 (208)356-8818

Representative KIRK S EGBERT
 1410 E 1300 N
 PO BOX 87
 TERRETON, ID 83450
 (208)663-4505

Priority Date: 03/18/1974

Basis: Decreed

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 4/01 11/01 2.08 CFS 396 AFA

Total Diversion 2.08 CFS

Location of Point(s) of Diversion:

GROUND WATER NWSNW Sec. 33 Township 08N Range 37E FREMONT County

Place(s) of use: IRRIGATION FREMONT 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>
08N	37E	33		NENW 33			NWNW 33			SWNW 33			SENW 33	

Total Acres: 132

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.

Dates:

Decreed Date: 02/22/2002

Owner Type Name and Address

Current Owner RICHARD A EGBERT
 C/O BRAD EGBERT
 1134 BOND AVE
 REXBURG, ID 83440-1810
 (208)356-8818

Representative KIRK S EGBERT
 1410 E 1300 N
 PO BOX 87
 TERRETON, ID 83450
 (208)663-4505

Priority Date: 03/18/1974

Basis: Decreed

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 4/01 11/01 2.59 CFS 390 AFA

Total Diversion 2.59 CFS

Point(s) of Diversion: NWSESW Sec. 33 Township 08N Range 37E FREMONT County

IRRIGATION Use: Acre Limit: 130

Place(s) of use: IRRIGATION FREMONT County

Township Range Section Lot Tract Acres Lot Tract Acres Lot Tract Acres Lot Tract Acres

08N 37E 33 NESW 35 NWSW 35 SWSW 33 SESW 33

Total Acres: 136

Conditions of Approval:

1. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 136 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-7105, 31-11388.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 130 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. 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.
4. E52 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.59 CFS. COMBINED RIGHT NOS.: 31-7105, 31-11388.
5. K01 RIGHT NO. 31-11388 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 02/22/2002

WATER RIGHT NO. 31-11388

Owner Type Name and Address

Current Owner RICHARD A EGBERT

Representative KIRK S EGBERT

1410 E 1300 N

PO BOX 87

TERRETON, ID 83450

(208)663-4505

Priority Date: 06/05/1984

Basis: Decreed

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/01 10/31 0.1 CFS 21 AFA

Total Diversion 0.1 CFS

Location of Point(s) of Diversion:

GROUND WATER NWSESW Sec. 33 Township 08N Range 37E FREMONT County

IRRIGATION Use: Acre Limit: 6

Place of Use Legal Description: IRRIGATION FREMONT County

Township Range Section Lot Tract Acres Lot Tract Acres Lot Tract Acres Lot Tract Acres

08N 37E 33 NESW 35 NWSW 35 SWSW 33 SESW 33

Total Acres: 136

Conditions of Approval:

2. K09 THIS RIGHT IS FOR AN ENLARGEMENT OF 6 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.
3. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 136 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-7105, 31-11388.
4. C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
5. E52 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.59 CFS. COMBINED RIGHT NOS.: 31-7105, 31-11388.

Dates:

Decreed Date: 02/22/2002

Owner Type Name and Address

Current Owner RICHARD A EGBERT
 C/O BRAD EGBERT
 1134 BOND AVE
 REXBURG, ID 83440-1810
 (208)356-8818

Representative KIRK S EGBERT
 1410 E 1300 N
 PO BOX 87
 TERRETON, ID 83450
 (208)663-4505

Priority Date: 03/18/1974

Basis: Decreed

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/01 11/01 2.02 CFS 396 AFA

Total Diversion 2.02 CFS

Point(s) of Diversion: SWNESE Sec. 33 Township 08N Range 37E FREMONT County

IRRIGATION Use: Acre Limit: 132

Place(s) of use: IRRIGATION FREMONT County

Township Range Section Lot Tract Acres Lot Tract Acres Lot Tract Acres Lot Tract Acres

08N 37E 33 NESE 35 NWSE 35 SWSE 33 SESE 34

Total Acres: 137

Conditions of Approval:

1. E52 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.02 CFS. COMBINED RIGHT NOS.: 31-7106, 31-11389.
2. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 137 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-7106, 31-11389.
3. 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.
4. K01 RIGHT NO. 31-11389 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 132 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Decreed Date: 02/22/2002

WATER RIGHT NO. 31-11389

Owner Type Name and Address

Current Owner RICHARD A EGBERT

Representative KIRK S EGBERT

1410 E 1300 N

PO BOX 87

TERRETON, ID 83450

(208)663-4505

Priority Date: 10/09/1981

Basis: Decreed

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/01 10/31 0.1 CFS 16.5 AFA

Total Diversion 0.1 CFS

Location of Point(s) of Diversion:

GROUND WATER SWNESE Sec. 33 Township 08N Range 37E FREMONT County

IRRIGATION Use: Acre Limit: 5

Place of Use Legal Description: IRRIGATION FREMONT County

Township Range Section Lot Tract Acres Lot Tract Acres Lot Tract Acres Lot Tract Acres

08N 37E 33 NESE 35 NWSE 35 SWSE 33 SESE 34

Total Acres: 137

Conditions of Approval:

1. K09 THIS RIGHT IS FOR AN ENLARGEMENT OF 5 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.
2. K02 THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 31-7106 PURSUANT TO SECTION 42-1426, IDAHO CODE.
3. C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
4. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 137 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-7106, 31-11389
5. E52 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.02 CFS COMBINED RIGHT NOS.: 31-7106, 31-11389.

Dates:

Decreed Date: 02/22/2002