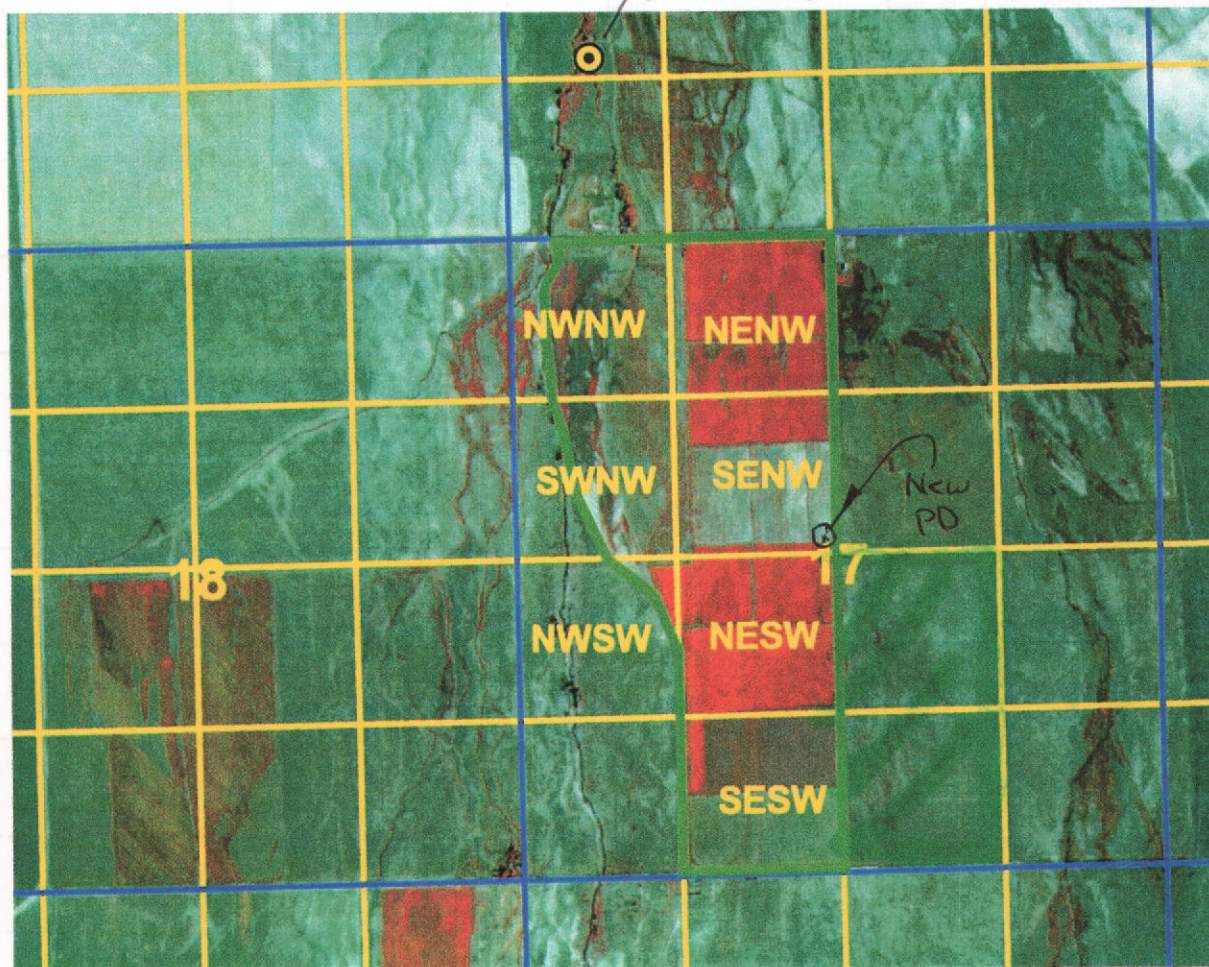


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

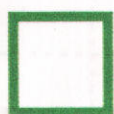
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.

T10N, R35E, SEC. 17



1320 0 1320 Feet



PLACE OF USE



POINT OF DIVERSION

ACRES IRRIGATED- 294

GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
PREPARED BY DAVE CARLSON

MICROFILMED

Scale: 2 inches equal 1 mile. Draw plan in ink.

JUN 01 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68540

This is to certify that: BRION D EGAN And/Or
DEANNA 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. The right holder shall accomplish the authorized change within one (1) year of the date of this approval. Failure of the right holder to comply with the conditions of approval for each water right affected by this transfer is cause for the Director to rescind approval of all or part of the transfer.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
32-7081D	AJC/License	06/20/1977	1.95 cfs	560.0 af	160.0	160.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

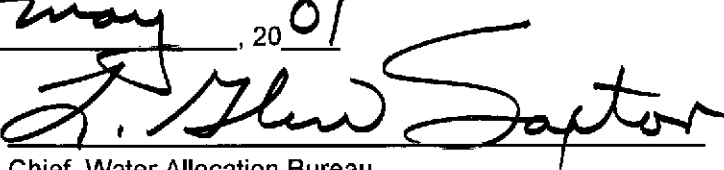
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
32-7081D	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
32-7081D	32-7081D	1.95 cfs	560.0 af	160.0	294.0		N/A	N/A	N/A	N/A
TOTALS		1.95 cfs	560.0 af	160.0	294.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 25th day of May, 2001


Chief, Water Allocation Bureau

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JUN 6 1 2001

WATER RIGHT NO. 32-7081D

As Modified by Transfer No. 68540

In accordance with the approval of Transfer No. 68540, Water Right No. 32-7081D is now described as follows.

Right Holder: BRION D EGAN And/Or
DEANNA EGAN
HC 61 BOX 1060
DUBOIS ID 83423

Priority Date: 06/20/1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	1.95 CFS	560.0 AF
			1.95 CFS	560.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENW Sec. 17 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 17					39.0	30.0	25.0	40.0	40.0	4.0			39.0			39.0	294.0

Total Acres: 294

CONDITIONS OF APPROVAL

- Right 32-7081D is limited to the irrigation of 160.0 acres within the place of use described above in a single irrigation season.
- Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
- After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
- The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

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JUN 9 1 2001

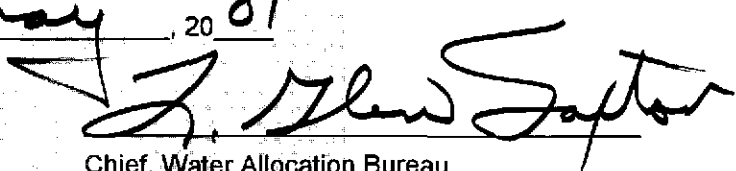
WATER RIGHT NO. 32-7081D
As Modified by Transfer No. 68540

CONDITIONS OF APPROVAL

6. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
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.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

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 25th day of May, 2001


Chief, Water Allocation Bureau

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JUN 01 2001

Page 1 of 6
RECEIVED

 STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
Transfer No. 585768540
DEC 20 2000 APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

 Name of Applicant Department of Water Resources
Brian Egan and/or Deanna Egan Phone 208-374-5460
 Post Office address HC 61 Box 1060 Dubois, ID 83423
A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes to move the well to a location where it will be used with a different set of surface water rights, but not be subjected to ditch losses. Used in a two pivot system on the "old Rowland" property. water rights 32-00029, 30, 31.

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

1. Right Number 32-07081D Priority 6-20-1977 Amount (cfs/ac-ft) 1.95 cfs Nature of Use Irrigation Period of Use 4/15 to 10/15
 _____ to _____
 _____ to _____
 _____ to _____
2. Total amount of water being transferred 1.95 cubic feet per second and/or 560 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SE	NW	17	10N	3SE	Clark	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	3SE	17					39	30	25	40	40	4		39		39	38		294

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* Limited to 160 acres

* Total Acres 294

(5857) 68540

(ppu)

6. General Information:

- a. Description of diversion system WELL/PUMP TO OPEN DISCHARGE INTO
A POND. THEN INTO A TWO PIVOT SYSTEM WITH
MEDICINE LODGE CREEK WATER RIGHTS
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
NONE WELL WILL BE USED WITH A DIFFERENT SET OF
SURFACE water rights
MOVE to 31-00029, 30, 31
- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____

For the Director

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JUN 01 2001

PART 2

TRANS NO. 5857

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 32-07081D

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.95 CFS	560.0 AF

SOURCE

GROUNDWATER

Priority: 06/20/1977

LOCATION OF POINT(S) OF DIVERSION:NWNW , Sec. 17, Township 10N, Range 35E
CLARK CountyPLACE OF USE:

IRRIGATION

				NE				NW				SW				SE						
				NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
10N	35E	7	:									31			29			31	29			120.0
10N	35E	17	:							12	08											20.0
10N	35E	18	:	13							07											20.0
																			TOTAL ACRES	160.0		

CONDITIONS/REMARKS:

1. A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
2. 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. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.20 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 560 AF. COMBINED RIGHT NOS.: 32-00001B, 32-00002B, 32-00003B, 32-00004B, 32-00005B
3. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,

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JUN 9 2006

Claim No. 32-07081D

PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE [APRIL 15] AND AFTER [OCTOBER 15] UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

4. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 160 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00001B, 32-00002B, 32-00003B, 32-00004B, 32-00005B
4. THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT SURFACE WATER RIGHTS IN CONJUNCTION WITH GROUNDWATER DIVERTED UNDER RIGHT 32-07081D AND SHALL ONLY DIVERT GROUNDWATER UNDER THIS RIGHT WHEN WATER FROM THE APPURTENANT SURFACE WATER RIGHTS CANNOT BE DELIVERED TO THE RIGHT HOLDER.
5. THIS RIGHT SHALL NOT BE USED IF THE SURFACE WATER RIGHTS APPURTENANT TO THE PLACE OF USE ARE SOLD, TRANSFERED, LEASED OR USED ON ANY OTHER PLACE OF USE.

Describe any other water rights used for the same purpose as described above:

32-00029, 30, 31

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

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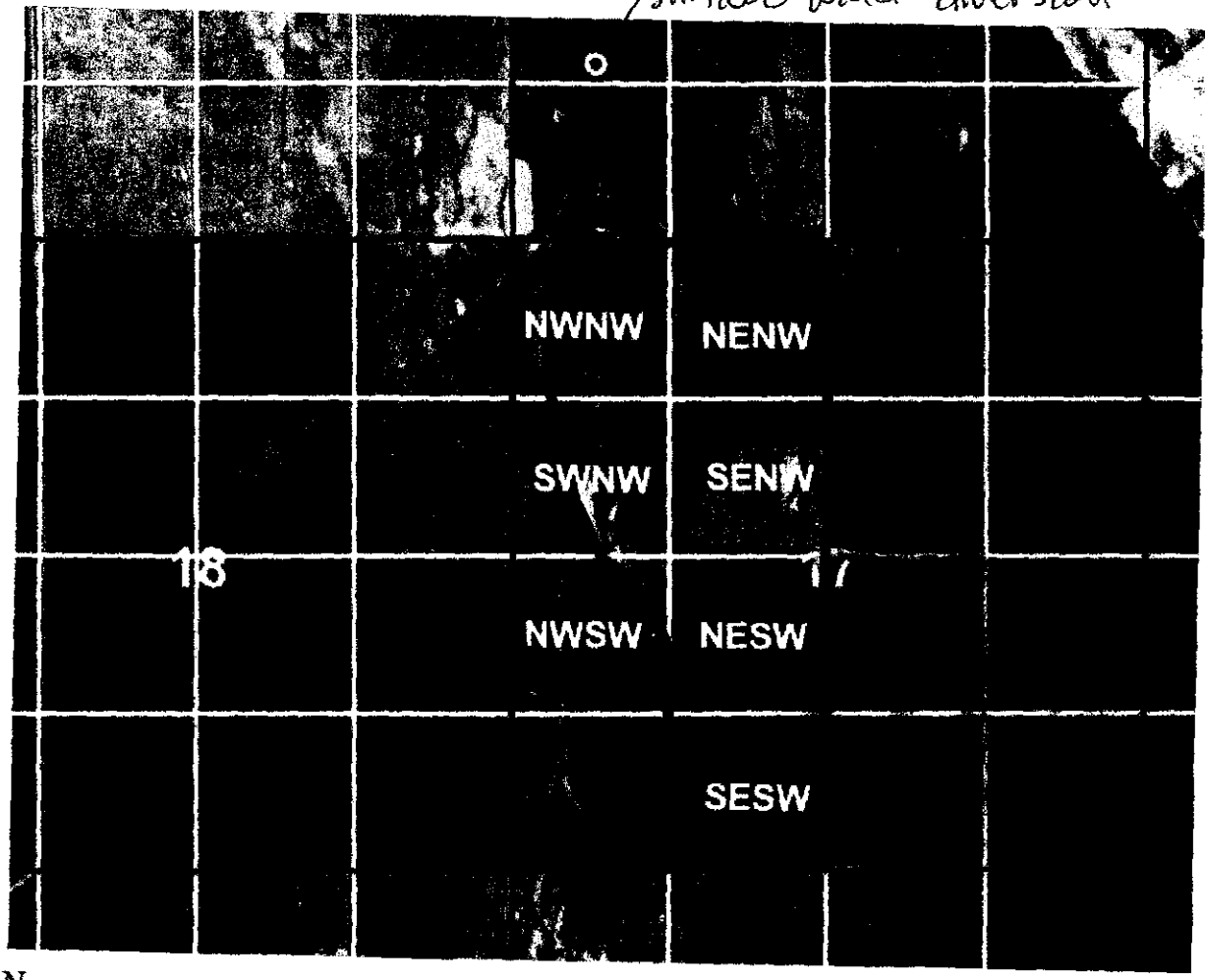
JUN 9 1981

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

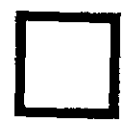
A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.

T10N, R35E, SEC. 17

surface water diversion



1320 0 1320 Feet



PLACE OF USE



POINT OF DIVERSION

ACRES IRRIGATED- 294

GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
PREPARED BY DAVE CARLSON

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Scale: 2 inches equal 1 mile. Draw plan in ink.

JUN 01 2001

PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
_____ to _____
_____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby 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.

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 23 day of Oct, 20 00.

[Signature]
(Notary Public)

My commission expires 2/26/2002

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 4 attachments

Received by DC Date 10/23/00 Protest filed by _____

Prelim. Check by HJ Fee 200.00

Receipted by DC Date 10/23/00 E026267

Published in Post Register Copies of protest forwarded by _____

Pub. Dates Nov 2 & 9, 2000. Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☒ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

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JUN 01 2001

ORIGINAL

WARRANTY DEED

KENNETH E. ROWLAND and MARY E. ROWLAND, husband and wife, "GRANTORS", of 890 S. Skyline, City of Idaho Falls, County of Bonneville, State of Idaho, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00), in hand paid, together with other valuable consideration, do hereby conveys and warrants to BRION D. EGAN and DEANNA EGAN, husband and wife, "GRANTEES", of HC 62, Box 8, City of Dubois, Clark County, State of Idaho, the following described real property, situate in the County of Clark, State of Idaho, and more particularly described as follows:

All that real property comprising approximately 900 acres, more or less, as described in Exhibit "A" attached hereto and by this reference incorporated herein as though fully set out herein (hereafter referred to as "Premises" or "the Property").

SUBJECT TO:

1. General taxes and assessments for the year 1996 and all subsequent years thereafter;
2. All terms, conditions and requirements contained in that certain Conservation Reserve Program Contract, No. 24, dated 1988, applicable to 252.8 acres, more or less, of subject premises (hereafter "CRP Contract");
3. Terms, conditions, rules and regulations of the USDA Forest Service Grazing Permit No. 136 on the Targhee National Forest, Dubois Ranger District with term of 1991 through 2001 and presently providing for 162 head of cattle thereon (hereafter "Grazing Permit");
4. All existing easements, claims of easement, road ways, rights-of-way of record of by use on the premises, patent reservations, protective covenants, zoning ordinances, and applicable building codes, laws and regulations;
5. Patented or unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof

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WARRANTY DEED - 1

JUN 6 1 2001

T 5857
ATTACHMENT 1 OF 4

- including reserved mineral, oil, gas or other rights or claims thereto;
6. Power line easement granted to Utah Power and Light Company recorded May 27, 1948 in Book 3 of Misc., Page 437, Records of Clark County, Idaho;
 7. Conflict and overlap of tracts described as Tax No. 1 and Tax No. 3. Said overlap occurs along the whole south side of Tax No. 3 and is approximately 100 feet on the East side and approximately 30 feet on the West side thereof as generally described on copy of Metsker Map attached hereto as Exhibit "B";
 8. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which would be disclosed by an accurate survey or inspection of the property including those not shown by public records;
 9. Easement for ditch comprising a 15 foot strip over and across the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 10 North, Range 35 East of the Boise Meridian, as disclosed by the instrument recorded December 3, 1953 in Book 4 of Misc. at Page 170, records of Clark County, Idaho;
 10. All other exceptions and reservations as may be set out or disclosed in the commitment for Title Insurance Issued by First American Title Company under order No. C18532 dated October 4, 1995;

BUT OTHERWISE together with all buildings, corrals, fences or other improvements situate on subject real property including the tenements, hereditament and appurtenances thereunto belonging or in any wise appertaining, specifically including, but not limited to, all water, water rights, ditch and ditch rights, appurtenant thereto or generally used in connection therewith, whether represented by shares of stock in a corporation, water district, or otherwise, including the buried main line ("AS IS") located on the premises but specifically not including any irrigation hand lines, pump, etc.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises;

WARRANTY DEED - 2

MICROFILMED

JUN 01 2001

T 5857
ATTACHMENT 2 OF 4

that said premises are free from all encumbrances except those accruing or being incurred thereon as hereinabove set forth.

DATED this ____ day of November, 1995.

Kenneth E. Rowland
KENNETH E. ROWLAND

Mary E. Rowland
MARY E. ROWLAND

STATE OF IDAHO)
 : ss.
County of Jefferson)

On the ____ day of November, 1995, before me, the undersigned, a Notary Public, in and for said State, personally appeared Kenneth E. Rowland and Mary E. Rowland, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

NOTARY PUBLIC FOR IDAHO
Residing at _____
My Commission Expires _____

WARRANTY DEED - 3

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JUN 8 1 2001

T 5857
ATTACHMENT 3 OF 4

EXHIBIT "A"

TOWNSHIP 10 NORTH, RANGE 35 EAST OF THE BOISE MERIDIAN, CLARK
COUNTY, IDAHO,

Section 7: E 1/2 SW 1/4,
SE 1/4

Section 8: Tax No. 1 described as follows: Beginning at a point on the Section line between Sections 8 and 17, Township 10 North, Range 35 E.B.M., 18 rods East of the Southwest corner of said Section 8; thence East on said Section line 46 rods; thence North by West 28 rods and 10 feet; thence West 42 rods; thence South 32 rods and 13 feet to the point of beginning.

ALSO, Tax No. 2 described as follows: Beginning at a point which is the Section corner of Section 7, 8, 17 and 18, Township 10 North, Range 35 E.B.M.; thence along the section line of Section 8 and Section 17, which bears North 89°51' East 18 rods; thence North 0°15' East 40 rods; thence South 89°51' West 18 rods; thence South 0°15' West for a distance of 40 rods to the point of beginning.

ALSO, Tax No. 3 described as follows: Beginning at the Section corner common to Sections 7, 8, 17 and 18, Township 10 North, Range 35 E.B.M., and along said Section which bears North 89°51' East 297 feet; thence North 0°15' East 514.5 feet to the point of beginning; thence North 0°15' East 145.5 feet; thence North 89°51' East 619 feet; thence South 2°35' East 212 feet; thence North 82°25' West 629 feet to the point of beginning.

Section 17: W 1/2,
W 1/2 SE 1/4,
LESS AND EXCEPTING THEREFROM: Beginning at the Southwest corner of Section 17, Township 10 North, Range 35 E.B.M.; thence North for a distance of 435.60 feet; thence East for a distance of 200.00 feet; thence South for a distance of 435.60 feet; thence West for a distance of 200 feet to the true point of beginning.

Section 18: NE 1/4,
E 1/2 NW 1/4

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T 5857
ATTACHMENT 4 OF 4

EXHIBIT

A

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	) Subcase: 32-07081D
	)
Case No. 39576	) ORDER OF AMENDED PARTIAL
	) DECREE TO CORRECT CLERICAL
	) ERROR; I.R.C.P. 60(a), <i>NUNC PRO</i>
	) <i>TUNC</i>

A *Partial Decree* was issued for the above-captioned water right on October 27, 2000. However, due to a computer coding error, the following "shoulder" remark was inadvertently omitted from the period of use element of the *Partial Decree*.

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that water right 32-07081D is hereby decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

This order is being entered *nunc pro tunc* as of October 27, 2000, and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

Dated October 10, 2002



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 32-07081D

NAME AND ADDRESS: BRION EGAN
GARY EGAN
HC 61 BOX 1060
DUBOIS, ID 83423

SOURCE: GROUNDWATER

QUANTITY: 1.95 CFS
560.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.20 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 560 AF. COMBINED RIGHT
NOS.: 32-00001B, 32-00002B, 32-00003B, 32-00004B, 32-00005B

PRIORITY DATE: 06/20/1977

POINT OF DIVERSION: T10N R35E S17 NWNW Within Clark County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	1.95 CFS 560.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation		Within Clark County
	T10N R35E S07	NESW 31.0	SESW 29.0
		NWSE 31.0	SWSE 29.0
	S17	NWNW 12.0	SWNW 8.0
	S18	NENE 13.0	SENE 7.0
	160.0 Acres Total		

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 160 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00001B, 32-00002B,
32-00003B, 32-00004B, 32-00005B

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT
SURFACE WATER RIGHTS IN CONJUNCTION WITH GROUNDWATER DIVERTED
UNDER RIGHT 32-07081D AND SHALL ONLY DIVERT GROUNDWATER UNDER
THIS RIGHT WHEN WATER FROM THE APPURTENANT SURFACE WATER RIGHTS
CANNOT BE DELIVERED TO THE RIGHT HOLDER.

THIS RIGHT SHALL NOT BE USED IF THE SURFACE WATER RIGHTS
APPURTENANT TO THE PLACE OF USE ARE SOLD, TRANSFERED, LEASED OR
USED ON ANY OTHER PLACE OF USE.

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

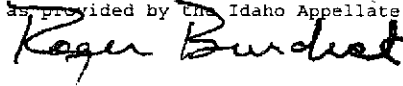
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 32-07081D

NAME AND ADDRESS: BRION EGAN
GARY EGAN
HC 61 BOX 1060
DUBOIS, ID 83423

SOURCE: GROUNDWATER

QUANTITY: 1.95 CFS
560.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.20 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 560 AF. COMBINED RIGHT
NOS.: 32-00001B, 32-00002B, 32-00003B, 32-00004B, 32-00005B

PRIORITY DATE: 06/20/1977

POINT OF DIVERSION: T10N R35E S17 NWNW Within Clark County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	1.95 CFS 560.00 AFY

PLACE OF USE:	Irrigation		Within Clark County
	T10N R35E S07	NESW 31.0	SESW 29.0
		NWSE 31.0	SWSE 29.0
	S17	NWNW 12.0	SWNW 8.0
	S18	NENE 13.0	SENE 7.0
	160.0 Acres Total		

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 160 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00001B, 32-00002B,
32-00003B, 32-00004B, 32-00005B

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

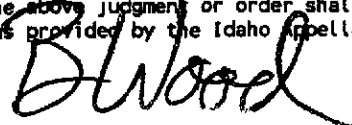
THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF APPURTENANT
SURFACE WATER RIGHTS IN CONJUNCTION WITH GROUNDWATER DIVERTED
UNDER RIGHT 32-07081D AND SHALL ONLY DIVERT GROUNDWATER UNDER
THIS RIGHT WHEN WATER FROM THE APPURTENANT SURFACE WATER RIGHTS
CANNOT BE DELIVERED TO THE RIGHT HOLDER.

THIS RIGHT SHALL NOT BE USED IF THE SURFACE WATER RIGHTS
APPURTENANT TO THE PLACE OF USE ARE SOLD, TRANSFERED, LEASED OR
USED ON ANY OTHER PLACE OF USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

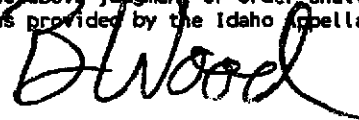
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 30, 2001

BRION D EGAN
DEANNA EGAN
HC 61 BOX 1060
DUBOIS ID 83423

RE: Transfer No.: 68540 - Water Right 32-7081D - Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions regarding this matter, please contact me at 208-327-7940.

Sincerely,

Samuel S. Dragg
for Jeff Peppersack, Manager
Water Rights Permits Section
JP:klt
Enclosure(s)

MICROFILMED

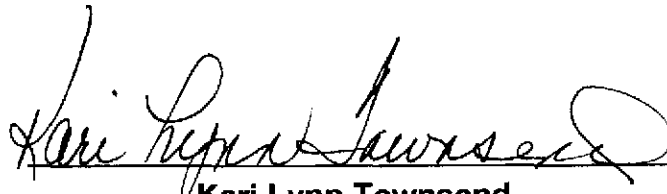
JUN 01 2001

CERTIFICATE OF MAILING

I hereby certify that on May 30, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 68540 - WATER RIGHT 32-7081D

**BRION D EGAN
DEANNA EGAN
HC 61 BOX 1060
DUBOIS ID 83423**


**Kari Lynn Townsend
Secretary**

MICROFILMED

JUN 6 1 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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JUN 01 2001

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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JUN 8 1 2007

TRANSFER REVIEW SHEET

(05-01)

TRANSFER # 5857/168540

DATE REVIEWED 5-25-01 CR

SPLIT POD ☒ ADD POD POU ☒ PERIOD or NATURE of USE

ALL OF RIGHT(S) W=Water Right C=SRBA Claim R=SRBA Recommendation

<u>R/32-7081D</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>

PART OF RIGHTS(S)

(Unchanged)

(Changed)

<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
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<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>

Standard Season 4-1 to 10-31

Standard Volume 3.5/2.5

(1) ☒ Priority (2) ☒ Use (3) ☒ Season W61 (4) ☒ Rate (5) ☒ Volume

(6) ☒ Source (7) P/D (8) P/U (9) ☒ Proof/Owner Warranty Deed (10) ☒ Map

(11) NA Water District (12) Yes Pertinent Conditions (13) No Expansion Supplemental to Supplemental

(7) Change P/D from N1/4NW to SENE1/4 Sec17
(8) Change P/U to system all in Sec17 w/ Rts 32-29/30 & 31 (surface water)
Less ditch loss of surface rts.

Supplemental (GL)

Conditions/Remarks W61, 046, R01, 010, 065, 104, T19, R63, T07, T08, W27

WRs for Update Comments 32-7081D ✓

Database Updated to Reflect Final Action Sam S. 5-28-01

68540

32-7081

Fax Cover Sheet

EGAN LAND & CATTLE

HC61 BOX 1060

DUBOIS, ID 83423

Phone number: 208-374-5460

Fax number: 208-374-5508

Send to: Water resource	From:
Attention: Jeff Peppersach	Date: 05/17/01
Office Location: Boise Id.	Office Location:
Fax Number: 208-327-7866	Phone Number:

- ☒ Urgent
☐ Reply ASAP
☐ Please comment
☐ Please Review
☐ For your Information

Total pages, including cover:

Comments:

Jeff; as per our phone conversation this morning I am formally requesting that you process my transfer # 5857 as soon as possible. This is a ground water permit that is subordinate to my surface water. Because of the drought I have already started to lose my surface water. I need to drill this well immediately. Please, could you process this transfer A.S.A.P. so that I could move forward and not lose my crops. Any help you could give me on this would be greatly appreciated. Please call me if there is any thing else you need from me.

Sincerely
Brion Egan

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JUN 8 1 2001

Pam,
OK to
expedite processing
due to drought
JP

5-25-01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

10-23-00
T# 5857
68540
RECEIVED
DEC 20 2000

INITIAL REVIEW BY: DM

Department of Water Resources

1. Right number 32-070810 Applicant ELAN
2. Type of right: ☒ Decree ☒ ~~Claim~~ ☐ Claim ☐ SRBA Recommendation
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s)
☒ Change place of use ☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. Map for remainder of right? ☐ Yes ☐ No
 - d. ☒ Check description of point(s) of diversion.
 - e. ☒ Check description of place of use
 - f. ☒ Check map (shows p.d. and p.u. after transfer).
 - g. ☒ Check for correct signature, notarization, and fee.
 - h. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - i. ☒ Check for expansion in use of right. Comments _____
 - j. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) 32-00029, 30, 31
 - k. ☒ Is use within a Watermaster District? ☒ Yes ☒ No
If yes, what district? 32-C

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Reviewed by Adjudication Staff? ☐ Yes ☐ No
3. Is transfer published correctly? ☒ Yes ☐ No
4. Protest received? ☒ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____
4. By BC Date 12/15/2000

*All uses within Watermaster District require special conditions

68540 (T5857)

Proof of Publication

RECEIVED

NOV 21 2000

Department of Water Resources
Eastern Region

The Post Register

State of Idaho
County of Bonneville

I, S. Bob Bright or Robert Park, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

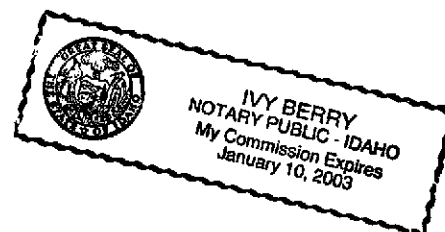
That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 2ND day of NOVEMBER, 2000, last publication having been made on the 9TH day of NOVEMBER 2000 at the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

S. Bob Bright

Subscribed and sworn to before me, this 15TH day of NOVEMBER, 2000

Ivy Berry
Notary Public

My commission expires January... 10, 2003



MICROFILMED

JUN 01 2001

**NOTICE OF PROPOSED
CHANGE OF A WATER
RIGHT TRANSFER NO. T5857**

Notice is hereby given that Brion Egan and/or Deanna Egan, HC 61 Box 1060, Dubois ID 83423, has applied to the Department of Water Resources to change the point of diversion, and to change the place of use of a ground water source. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 32-0708ID

Source: Ground water

Amount: 1.95 cfs

Priority: 06/20/1977

Point(s) of Diversion: NWNW SEC 17
T10N R35E, CLARK COUNTY

The water is used for irrigation of 160 acres within SEC 7, 17 and 18 T10N R35E.

**TO BE CHANGED
AS FOLLOWS:**

The applicant will move the point of diversion to the SENW SEC 17 to be used on a 294 acre place of use in the NW ¼, SW ¼ and W ½ SW ¼ SEC 17 T10N R35E.

This new place of use already has surface water rights for all 294 acres.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before November 20, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER

Director

Published: November 2, 9, 2000

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JUN 11 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

OCTOBER 24, 2000

Legal Notices Department
THE POST-REGISTER
P.O. BOX 1800
IDAHO FALLS, ID 83403

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

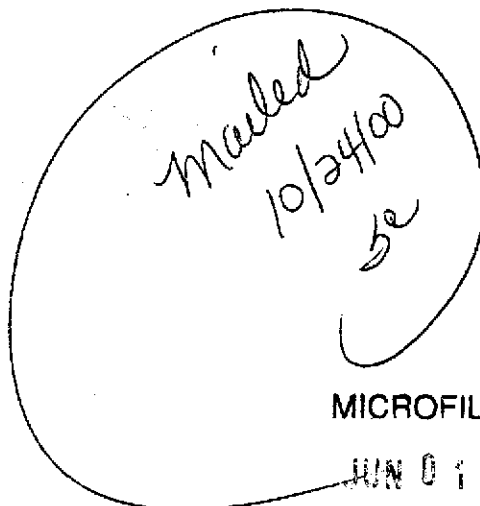
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 20, 2000.

Yours truly,

Sharla Cox
Senior Secretary

Encl.



NOTICE OF PROPOSED CHANGE OF A WATER RIGHT TRANSFER NO. T5857

Notice is hereby given that Brion Egan and/or Deanna Egan, HC 61 Box 1060, Dubois ID 83423, has applied to the Department of Water Resources to change the point of diversion, and to change the place of use of a ground water source. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 32-07081D Source: Ground water
Amount: 1.95 cfs Priority: 06/20/1977
Point(s) of Diversion: NWNW SEC 17 T10N R35E, CLARK COUNTY
The water is used for irrigation of 160 acres within SEC 7, 17 and 18 T10N R35E.

TO BE CHANGED AS FOLLOWS:

The applicant will move the point of diversion to the SENW SEC 17 to be used on a 294 acre place of use in the NW ¼, SW ¼ and W ½ SW ¼ SEC 17 T10N R35E.

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KARL J. DREHER
Director

Published in the Post Register on November 2 and 9, 2000.

MICROFILMED

JUN 01 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

October 25, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Brion Egan and/or Deanna Egan
HC 61 Box 1060
Dubois ID 83423

RE: Applications for Transfer #5857

Dear Applicant:

This office is currently in the process of advertising the application in the Post Register on November 2 and 9, 2000. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

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JUN 01 2001