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Ident. No. TC-32-02

Conservation & Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of applicant Brian EganPhone 208 374-5460Post Office address HC 61 Box 1060 Dubois Id. 83423

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion
☐ Change purpose of use

☐ Add diversion point(s)
☐ Other

☒ Change place of use

2. Describe the proposed change(s) and the reason(s) therefor Change Point of Diversion to My Creek (T10N R35E S8) Old Point of Diversion is upstream Approx 2 mi. Holmes will vacate his 160 Acres and I will use water to supplement mine on Existing 160 Acres. We Are not expending Heage. We are only Supplementing my water Rights to compensate for lost water

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

1. Right Number	Priority	Amount	Nature	Period of Use
<u>32-00001</u>	<u>6/20/83</u>	<u>1.64 CFS</u>	<u>Irrigation</u>	<u>4/01 to 10/31</u>
<u>32-00002</u>	<u>10/01/83</u>	<u>.36 CFS</u>	<u>Irrigation</u>	<u>4/01 to 10/31</u>
<u>32-00003</u>	<u>5/15/84</u>	<u>1.50 CFS</u>	<u>Irrigation</u>	<u>4/01 to 10/31</u>
<u>32-00004</u>	<u>4/15/85</u>	<u>.50 CFS</u>	<u>Irrigation</u>	<u>4/01 to 10/31</u>
<u>32-00005</u>	<u>11/01/85</u>	<u>1.50 CFS</u>		

2. Total amount of water being transferred 3.50 cubic feet/second and/or _____ acre-feet per annum.3. Source of water Medicine Lodge Creek tributary to None / Water Sink

4. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
					<u>NW SW 8</u>	<u>10 N</u>	<u>35E</u>	<u>Clark</u>	<u>Medicine Lodge Creek (Egan Diversion)</u>

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

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>10N</u>	<u>35E</u>	<u>17</u>									<u>X</u>			<u>X</u>		<u>X</u>	<u>X</u>		<u>160 Acres</u>

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Total acres

160

JUN 23 2001

5. General Information:

- a. Who owns the water right to be changed? Gerald Holmes
- b. Describe the arrangement allowing use of the right See Attached Contract
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Land will be dried up for the term of change
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. Gerald has irrigated his ground but will quit when water is transferred (Pasture grass)
- e. Absent the changes, how would the right be used for the remainder of the year? Irrigation

f. Describe other water rights used for the same purpose.

My water rights are used for same purpose - Irrigation

g. Remarks: We are doing this because of Drought we are actually Irrigating less Acres because Holmes will not irrigate his 160 and all I am doing is supplementing the water I lost to Irrigate an existing 160

I hereby assume all risk in accordance with House Bill No. 4 and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Brown Egan
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by HWT Date 6-8-01 Fee \$50
Receipted HWT # 2026794 Recommend: X approve deny
Watermaster recommendation Approve

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No.
And said application is hereby subject to the following limitations and conditions:

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

Witness my hand this 11th day of June ²⁰⁰¹~~1992~~

[Signature]
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WATER RIGHT
NUMBER

NAME

CFS

32-00002

RIGHT SPLIT INTO PARTS A & B THRU APPROVED TRANSFER 5067.

32-00002A

HOLMES BROTHERS

0.36

32-00002B

EGAN , GARY
EGAN , BRION

0.36

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5067

WATER RIGHT NO(S). 32-00001B/32-00002B/32-00003B/32-00004B
32-00005B/32-07081D

This is to certify that: **GARY EGAN**
BRION EGAN
HC 61 BOX 1060
DUBOIS ID 83423

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 32-00001B : IRRIGATION Priority: 06/20/1883	04/15 to 10/15	* 0.64 CFS	217.8 AF
Right No. 32-00002B : IRRIGATION Priority: 10/01/1883	04/15 to 10/15	* 0.36 CFS	123.4 AF
Right No. 32-00003B : IRRIGATION Priority: 05/15/1884	04/15 to 10/15	* 1.50 CFS	511.8 AF
Right No. 32-00004B : IRRIGATION Priority: 04/15/1885	04/15 to 10/15	* 0.50 CFS	170.6 AF
Right No. 32-00005B : IRRIGATION Priority: 11/01/1885	04/15 to 10/15	* 0.50 CFS	170.6 AF
Right No. 32-07081D : IRRIGATION Priority: 06/20/1977	04/15 to 10/15	1.95 CFS	560.0 AF

TOTAL: ** 3.20 CFS ** 560.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
Right No. 32-00001B/32-00002B/32-00003B/32-00004B/32-00005B : MEDICINE LODGE CREEK	SINKS

Right No. 32-07081D :
GROUNDWATER

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TRANSFER NO. 5067
WATER RIGHT NO(S). 32-00001B/32-00002B/32-00003B/32-00004B
32-00005B/32-07081D

LOCATION OF POINT(S) OF DIVERSION:

Right Nos. 32-00001B/32-00002B/32-00003B/32-00004B/32-00005B :

NWSW , Sec. 8, Township 10N, Range 35E

Right No. 32-07081D :

NWNW , Sec. 17, Township 10N, Range 35E

CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	35E	7	NESW 31	SESW 29	NWSE 31	
			SWSE 29			120
		17	NWNW 12	SWNW 8		20
		18	NENE 13	SENE 7		20
Total number of acres irrigated:						160

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water from Medicine Lodge Creek will be regulated by the watermaster of State Water District No. 32C.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department on the Medicine Lodge Creek diversion in a manner that will provide the watermaster suitable control of the diversion.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code in connection with diversion of groundwater under Right 32-07081D.
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. Right 32-07081D shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

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TRANSFER NO. 5067
WATER RIGHT NO(S). 32-00001B/32-00002B/32-00003B/32-00004B
32-00005B/32-07081D

CONDITIONS OF APPROVAL AND REMARKS

10. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- ** 11. Rights 32-00001B, 32-00002B, 32-00003B, 32-00004B, 32-00005B and 32-07081D when combined shall not exceed a total diversion rate of 3.20 cfs, a total annual diversion volume of 560.0 af at the field headgate, and the irrigation of 160.0 acres.
- * 12. The portion of Rights 32-00001B, 32-00002B, 32-00003B, 32-00004B and 32-00005B assessed as channel losses under Transfer 5067 is 6% of each right or 0.21 cfs.

Dated this 18th day of February, 1998


Chief, Water Allocation Bureau

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FEB 28 1998

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 32-00002B

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

SOURCE: MEDICINE LODGE CREEK TRIBUTARY: SINKS
QUANTITY: 0.34 CFS
123.40 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, 32-00003B, 32-00004B, 32-00005B, 32-07081D

PRIORITY DATE: 10/01/1883

POINT OF DIVERSION: T10N R35E S08 NWSW Within Clark County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.34 CFS 123.40 AFY

PLACE OF USE:	Irrigation		Within Clark County
	T10N R35E S07	NESW 31.0	SESW 29.0
		NWSE 31.0	SWSE 29.0
	S17	WNW 12.0	SWNW 8.0
	S18	WENE 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, 32-00003B,
32-00004B, 32-00005B, 32-07081D

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 WHEN
WATER FROM THE APPURTENANT SURFACE WATER RIGHTS CANNOT BE
DELIVERED TO THE RIGHT HOLDER.

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).

JUL 23 2003

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

MEMORANDUM

TO: FILE 32-2B

FROM: VAULT

RE: TEMPORARY CHANGE 32-09

DATE: 6/04

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Original Temporary Change Application and correspondence regarding
this matter is located within:

FILE # 32-1A

**Do not microfilm this file
until a copy of the signed
decree has been inserted on
the left side of the file,
replacing the computer-
generated decree.**

Contract
Between
Gerald Holmes and Brion Egan

June 4, 2001

We the undersigned enter into an agreement this 6 day in the month of June 2001.

The conditions of this agreement are as follows.

1. Subject to approval of the department of water resources. Gerald Holmes will transfer the use of all owned surface water to Brion Egan starting June 25, 2001 to September 15, 2001. This is a temporary transfer and only to be used for the above dates. Water will be diverted down stream to Egans check, in Medicine Lodge Creek, T10N R35E S8. It is understood that during the above dates that Holmes will not be able to take or use any water in his ditch or on his land until September 15 2001 when this contract expires.
2. Payment for the above use of Holmes water, will be as follows. Egan will deliver to Holmes upon his request 50 ton of good feeder hay. If the combination of Egans water and Holmes water allows for the irrigation of the two large pivots through 3rd crop and up to September 15, 2001. Egan will deliver to Holmes an additional 15 ton of hay.

GERALD HOLMES

Signed: Gerald Holmes

BRION EGAN

Signed: Brion Egan

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JUL 23 2003

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

Idaho Department Of Water Resources

June 6, 2001

As you are aware, our county has declared it's self as a drought emergency county. Brian Egan has come to our office and has asked us about transferring the Holmes decreed water rights, "32-00001, 32-00002, 32-00003, 32-00004, and 32-00005" to his diversion for the purpose of irrigation of his crops. We do not see a problem with this, as long as Holmes no longer diverts water out of his diversion and Egan agrees to a 6%, "six percent" channel seepage loss. We also see no injury to other senior water right holders by the temporary transfer of this water for this year. Therefore we do endorse approval of this temporary transfer.

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

Right number	priority	amount	6% loss	total diverted
32-00001	6/20/83	.64cfs	.04cfs	.60cfs
32-00002	10/01/83	.36cfs	.02cfs	.34cfs
32-00003	05/15/84	1.50cfs	.09cfs	1.41cfs
32-00004	04/15/84	.50cfs	.03cfs	.47cfs
32-00005	11/01/85	.50cfs	.03cfs	.47cfs
TOTAL		3.50cfs	.21cfs	3.29cfs

Sincerely;


Bart A. May
Deputy Water master

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AUG 08 2001

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JUN 23 2003