

No Color  
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In File

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**

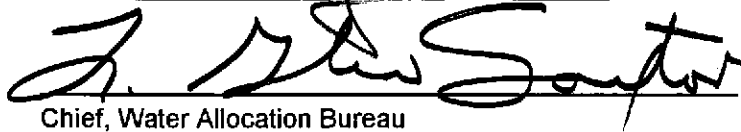
| <u>Existing Right</u> | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 32-10A                | 32-10A                           | 0.27 cfs             | 123.1 af               | N/A               | 265.4              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 32-12A                | 32-12A                           | 3.37 cfs             | 928.9 af               | N/A               | 265.4              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 32-11A                | 32-11A                           | 1.17 cfs             | 534.8 af               | N/A               | 265.4              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 32-13A                | 32-13A                           | 0.21 cfs             | 97.6 af                | N/A               | 265.4              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 32-9A                 | 32-9A                            | 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>                   |

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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

MICROFILMED  
FEB 11 2003

**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   |      |      |      |      |      |    |    |      |    |    |    |    |    |    |    |    | 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

**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

MICROFILMED  
 FEB 11 2003

*[Signature]*  
 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 |    |    |    |    |    |    |    |    |    |    |    |        |  |      | 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

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FEB 11 2003

*[Signature]*  
 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   |       |      |      |      |      |    |    |      |    |    |    |    | 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 |      |      |      |      |    |    |      |    |    |    |    |      |    |    |    |        |       |

**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.
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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

MICROFILMED

DEC 7 1999

*[Signature]*  
 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

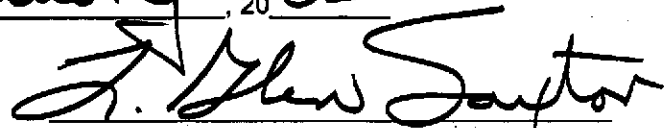
| Twp Rge Sec        | NE   |      |      |      | NW   |    |    |      | SW |    |    |    | SE   |    |    |    | Totals |
|--------------------|------|------|------|------|------|----|----|------|----|----|----|----|------|----|----|----|--------|
|                    | NE   | NW   | SW   | SE   | NE   | NW | SW | SE   | NE | NW | SW | SE | NE   | NW | SW | SE |        |
| 10N 35E 7          |      |      |      |      |      |    |    |      |    |    |    |    | 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 |      |      |      |      |      |    |    |      |    |    |    |    |      |    |    |    |        |

**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

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FEB 11 2007

**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 |      |      |      |      |    |    |      |    |    |    |    |      |    |    |      |        |

**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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4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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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

MICROFILMED  
 FEB 11 2003

*[Signature]*  
 Chief, Water Allocation Bureau

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 32-00011A

200 SEP 29 AM 11:15

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: E MARLOWE GOBLE  
600 W 152 S  
LOGAN, UT 84321

SOURCE: MEDICINE LODGE CREEK TRIBUTARY: SINKS

QUANTITY: 1.26 CFS  
534.80 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 5.59 CFS AND TO A TOTAL  
COMBINED ANNUAL DIVERSION VOLUME OF 928.9 AF AT THE FIELD  
HEADGATE. COMBINED RIGHT NOS.: 32-00010A, 32-00009A, 32-00012A  
32-00013A

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION: T11N R34E S25 NENW Within Clark County  
SWNESE

TWO POINTS OF DIVERSION LOCATED IN T11N, R34E, S25, NENW.

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 04-01 TO 11-01 | 1.26 CFS<br>534.80 AFY |

| PLACE OF USE: | Irrigation                 | Within Clark County |
|---------------|----------------------------|---------------------|
|               | T11N R34E S25 SESE 27.0    |                     |
|               | S36 NENE 1.0               |                     |
|               | R35E S30 LOT 02 (SWNW)38.0 | SENE 38.0           |
|               | NESW 39.0                  | LOT 03 (NWSW)38.0   |
|               | LOT 04 (SWSW)38.0          | SESW 30.0           |
|               | S31 LOT 01 (NWNW)20.0      |                     |
|               | 269.0 Acres Total          |                     |

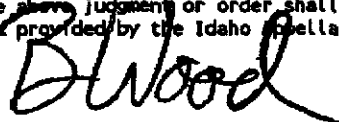
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 265.4 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00009A, 32-00010A,  
32-00012A, 32-00013A

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

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

MEMORANDUM

TO: FILE 32-11A

FROM: VAULT

RE: TEMPORARY CHANGE 32-09

DATE: 6/04

=====

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

FILE # 32-1B

**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.**

**MEMORANDUM**

**TO:** FILE 32-00010A  
**FROM:** VAULT  
**RE:** TRANSFER # 70179  
**DATE:** \_\_\_\_\_

=====

**Original Transfer Application, Form and correspondence regarding the above  
referenced Transfer is located within:**

**FILE #** 32-00009A

MICROFILMED  
FEB 11 2003