

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED**MAR 04 2024**

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

WATER RESOURCES
EASTERN REGION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s)
 ☒ Add diversion point(s)
 ☐ Ownership change
 ☐ Ownership split
☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Marsh Center Irrigating Company Phone 208 681 3423

2. **MAILING ADDRESS** 13348 North Billy Lane City Pocatello

State ID Zip 83202 Email wade.egan7@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 29-13493, 29-13494, 29-12058, 29-10663, 29-10664, 29-10665

- ☒ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 42.33 cubic feet per second and/or 880 acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
x			NW	SE	36	10S	35E	BANNOCK	South Fork Hawkins Cr	
x			NE	SE	35	10S	35E	BANNOCK	Hawkins Creek	
x			SE	NW	36	10S	36E	BANNOCK	Hawkins Creek	
	✓	NW	NE	SE	35	10S	35E	BANNOCK	Hawkins Creek	Hawkins Dam
									No change to dam	POD for storage

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

New headgate will be installed with a controlling/locking device as well as a wier to measure the flow of the water.
The second point has been in use for many years, has a measuring device and we are adding a locking valve.

- b. Who owns the property at the point(s) of diversion? Potter Creek Ranch LC, Meadow Brook Land & Cattle Co
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
We have a written easement with Potter Creek Ranch + Meadow Brook Land & Cattle Co.

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)

If yes, describe:

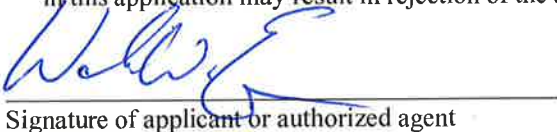
AMENDED

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.



Signature of applicant or authorized agent

WADE W. EGAN – Secretary

Print name and title if applicable

MARCH 3, 2023

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by _____ Date _____

Fee paid 1,480.00 Date 3-4-24

Received by M. Jettis

Receipt # E049840

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☐

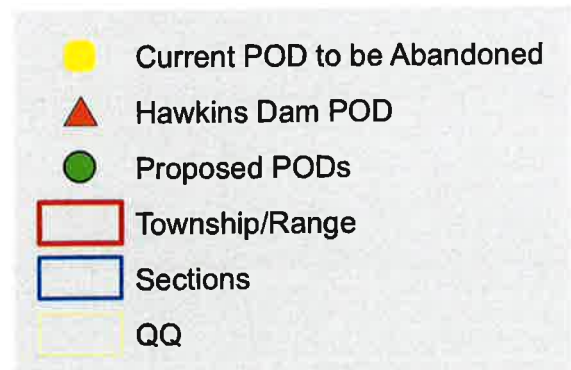
W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

er **AMENDED**

[illegible]

AMENDED



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Water Right Report : 29-13493(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	MARSH CENTER IRRIGATING CO	PO BOX 162	MCCAMMON	ID	83250-0162
Security Interest	STATE OF IDAHO	IDAHO WATER RESOURCE BOARD 322 E FRONT ST PO BOX 8	BOISE	ID	83720-0098

Water Right Status

Priority Date : 5/1/1870

Basis : Decreed

Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
HAWKINS CREEK		MARSH CREEK	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
HAWKINS CREEK	10S	36E	31	0	NW	NW	SW	BANNOCK	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	10.00 CFS	
TOTAL			10.00 CFS	

Places of Use

This water right has a [Large Place Of Use](#) ☒

Irrigation Totals

Total Acres	Acre Limit
3220.20	500.00

Conditions

Code Conditions

- X27 This right is limited to the irrigation of 500 acres within the authorized place of use in a single irrigation season.
- X35 Rights 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494 when combined shall not exceed the irrigation of 3220.2 acres.
- R63 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.
- 129 Place of use is within the area served by Marsh Center Irrigating Company.
- 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
- 01M After specific notification by the Department, the right holder shall install a suitable measuring device 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.
- F06 The following rights are diverted through point(s) of diversion described above: 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494.
- 004 This right does not grant any right-of-way or easement across the land of another.
- T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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T19 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.

Dates

Licensed Date :
Decreed Date : 3/16/2004
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

State or Federal :
Water District Number : 29H
Generic Max Rate Per Acre : 0.02
Generic Max Volume Per Acre : 3.5
Combined Acre Limit : 3220.20
Combined Volume Limit:
Combined Rate Limit:
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

1/31/2024

Water Right Report : 29-13494(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	MARSH CENTER IRRIGATING CO	PO BOX 162	MCCAMMON	ID	83250-0162
Security Interest	STATE OF IDAHO	IDAHO WATER RESOURCE BOARD 322 E FRONT ST PO BOX 8	BOISE	ID	83720-0098

Water Right Status

Priority Date : 5/1/1870
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
HAWKINS CREEK		MARSH CREEK	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQ	QQ	Q	County	Diversion Type
HAWKINS CREEK	10S	35E	35	0	NW	NE	SE	BANNOCK	
HAWKINS CREEK	10S	36E	31	0	NW	NW	SW	BANNOCK	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	30.00 CFS	
IRRIGATION STORAGE	01/01	12/31		238.90 AFA
IRRIGATION FROM STORAGE	04/01	10/31		238.90 AFA
TOTAL			30.00 CFS	

Places of Use

This water right has a [Large Place Of Use](#) ☒

Irrigation Totals

Total Acres Acre Limit
3220.20

Conditions

Code Conditions

- X35 Rights 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494 when combined shall not exceed the irrigation of 3220.2 acres.
- R63 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.
- 129 Place of use for irrigation and irrigation from storage is within the area served by Marsh Center Irrigating Company.
- 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
- 01M After specific notification by the Department, the right holder shall install a suitable measuring device 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.
- F06 The following rights are diverted through point(s) of diversion described above: 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494.
- D05 Storage capacity 880 AF.
Place of use for irrigation storage is Hawkins Reservoir.

- R40 The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
- Storage water is released into Hawkins Creek below Hawkins Reservoir and diverted from Hawkins Creek at the headgate of Marsh Center Irrigating Company.
- 004 This right does not grant any right-of-way or easement across the land of another.
- T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T19 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.

Dates

Licensed Date :
Decreed Date : 4/26/2004
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date :
Protest Deadline Date :

Other Information

State or Federal :
Water District Number : 29H
Generic Max Rate Per Acre : 0.02
Generic Max Volume Per Acre : 3.5
Combined Acre Limit : 3220.20
Combined Volume Limit:
Combined Rate Limit:
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

3/6/2024

Water Right Report : 29-12058(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	MARSH CENTER IRRIGATING CO	PO BOX 162	MCCAMMON	ID	83250-0162
Security Interest	STATE OF IDAHO	IDAHO WATER RESOURCE BOARD 322 E FRONT ST PO BOX 8	BOISE	ID	83720-0098

Water Right Status

Priority Date : 12/19/1891
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
HAWKINS CREEK		MARSH CREEK	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
HAWKINS CREEK	10S	36E	31	0	NW	NW	SW	BANNOCK	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	2.00 CFS	
STOCKWATER	01/01	12/31	0.02 CFS	
TOTAL			2.00 CFS	

Places of Use

This water right has a [Large Place Of Use](#) ☒

Irrigation Totals

Total Acres	Acres Limit
3220.20	100.00

Conditions

Code Conditions

- X27 This right is limited to the irrigation of 100 acres within the authorized place of use in a single irrigation season.
- X35 Rights 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494 when combined shall not exceed the irrigation of 3220.2 acres.
- R63 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.
- 129 Place of use for irrigation and stockwater is within the area served by Marsh Center Irrigating Company.
- 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
- N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
- N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
- 01M After specific notification by the Department, the right holder shall install a suitable measuring device 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.
- F06 The following rights are diverted through point(s) of diversion described above: 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494.
- 004 This right does not grant any right-of-way or easement across the land of another.

- T07 The right holder shall accomplish the change authorized by this transfer within one year of " date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T19 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.

Dates

Licensed Date :
Decreed Date : 3/16/2004
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

State or Federal : S
Water District Number : 29H
Generic Max Rate Per Acre : 0.02
Generic Max Volume Per Acre : 3.5
Combined Acre Limit : 3220.20
Combined Volume Limit:
Combined Rate Limit:
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

2/14/2024

Water Right Report : 29-10663(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	MARSH CENTER IRRIGATING CO	PO BOX 162	MCCAMMON	ID	83250-0162
Security Interest	STATE OF IDAHO	IDAHO WATER RESOURCE BOARD 322 E FRONT ST PO BOX 8	BOISE	ID	83720-0098

Water Right Status

Priority Date : 4/1/1891
 Basis : Decreed
 Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
HAWKINS CREEK		MARSH CREEK	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
HAWKINS CREEK	10S	36E	31	0	NW	NW	SW	BANNOCK	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.33 CFS	
TOTAL			0.33 CFS	

Places of Use

This water right has a [Large Place Of Use](#) ☒

Irrigation Totals

Total Acres	Acro Limit
3220.20	16.50

Conditions

Code Conditions

- X27 This right is limited to the irrigation of 16.5 acres within the authorized place of use in a single irrigation season.
- X35 Rights 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494 when combined shall not exceed the irrigation of 3220.2 acres.
- R63 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.
- 129 Place of use is within the area served by Marsh Center Irrigating Company.
- 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
- 01M After specific notification by the Department, the right holder shall install a suitable measuring device 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.
- F06 The following rights are diverted through point(s) of diversion described above: 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494.
- 004 This right does not grant any right-of-way or easement across the land of another.
- T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

T19 Pursuant to Section 42-1417(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights of 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.

Dates

Licensed Date :
Decreed Date : 3/16/2004
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

State or Federal : S
Water District Number : 29H
Generic Max Rate Per Acre : 0.02
Generic Max Volume Per Acre : 3.5
Combined Acre Limit : 3220.20
Combined Volume Limit:
Combined Rate Limit:
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

2/14/2024

Water Right Report : 29-10664(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	MARSH CENTER IRRIGATING CO	PO BOX 162	MCCAMMON	ID	83250-0162
Security Interest	STATE OF IDAHO	IDAHO WATER RESOURCE BOARD 322 E FRONT ST PO BOX 8	BOISE	ID	83720-0098

Water Right Status

Priority Date : 6/10/1891
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
HAWKINS CREEK		MARSH CREEK	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
HAWKINS CREEK	10S	35E	35	0	NW	NE	SE	BANNOCK	
HAWKINS CREEK	10S	36E	31	0	NW	NW	SW	BANNOCK	Rediversion

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION STORAGE	01/01	12/31		238.90 AFA
IRRIGATION FROM STORAGE	04/01	10/31		238.90 AFA
TOTAL				238.90 CFS

Places of Use

This water right has a [Large Place Of Use](#) 

Conditions

Code Conditions

- X35 Rights 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494 when combined shall not exceed the irrigation of 3220.2 acres.
- R63 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 place of use.
- 129 Place of use for irrigation from storage is within the area served by Marsh Center Irrigating Company.
- 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
- 01M After specific notification by the Department, the right holder shall install a suitable measuring device 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.
- F06 The following rights are diverted through point(s) of diversion described above: 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494.
- D05 Storage capacity 880 AF.
Place of use for irrigation storage is Hawkins Reservoir.
- R40 The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
Storage water is released into Hawkins Creek below Hawkins Reservoir and rediverted from Hawkins Creek at the headgate of Marsh Center Irrigating Company.
- 004 This right does not grant any right-of-way or easement across the land of another.

- T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T19 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.

Dates

Licensed Date :
Decreed Date : 3/16/2004
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

State or Federal : S
Water District Number : 29H
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 3.5
Combined Acre Limit : 3220.20
Combined Volume Limit:
Combined Rate Limit:
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

3/6/2024

Water Right Report : 29-10665(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	MARSH CENTER IRRIGATING CO	PO BOX 162	MCCAMMON	ID	83250-0162
Security Interest	STATE OF IDAHO	IDAHO WATER RESOURCE BOARD 322 E FRONT ST PO BOX 8	BOISE	ID	83720-0098

Water Right Status

Priority Date : 4/1/1944
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
HAWKINS CREEK		MARSH CREEK	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
HAWKINS CREEK	10S	35E	35	0	NW	NE	SE	BANNOCK	
HAWKINS CREEK	10S	36E	31	0	NW	NW	SW	BANNOCK	Rediversion

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION STORAGE	01/01	12/31		641.10 AFA
IRRIGATION FROM STORAGE	04/01	10/31		641.10 AFA
TOTAL				641.10 CFS

Places of Use

This water right has a [Large Place Of Use](#) 

Conditions

Code Conditions

- X35 Rights 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494 when combined shall not exceed the irrigation of 3220.2 acres.
- R63 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 place of use.
- 129 Place of use for irrigation from storage is within the area served by Marsh Center Irrigating Company.
- 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
- 01M After specific notification by the Department, the right holder shall install a suitable measuring device 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.
- F06 The following rights are diverted through point(s) of diversion described above: 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, and 29-13494.
- D05 Storage capacity 880 AF.
Place of use for irrigation storage is Hawkins Reservoir.
- R40 The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
Storage water is released into Hawkins Creek below Hawkins Reservoir and rediverted from Hawkins Creek at the headgate of Marsh Center Irrigating Company.
- 004 This right does not grant any right-of-way or easement across the land of another.

- T07 The right holder shall acc...h the change authorized by this transfer within one year of the...of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T19 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.

Dates

Licensed Date :
Decreed Date : 3/16/2004
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

State or Federal : S
Water District Number : 29H
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 3.5
Combined Acre Limit : 3220.20
Combined Volume Limit:
Combined Rate Limit:
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

3/6/2024



0005225956

**STATE OF IDAHO***Office of the secretary of state, Phil McGrane***ANNUAL REPORT**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

For Office Use Only

-FILED-

File #: 0005225956

Date Filed: 5/5/2023 9:24:55 PM

B0798-4947 05/05/2023 9:24 PM Received by Office of the Idaho Secretary of State

Entity Name and Mailing Address:

Entity Name:

MARSH CENTER IRRIGATING COMPANY

The file number of this entity on the records of the Idaho
Secretary of State is:

0000018360

Address

WADE W EGAN
13348 N BILLY LN
POCATELLO, ID 83202-5180

Entity Details:

Entity Status

Active-Good Standing

This entity is organized under the laws of:

IDAHO

If applicable, the old file number of this entity on the records of
the Idaho Secretary of State was:

C2810

The registered agent on record is:

Registered Agent

WADE EGAN
Registered Agent
Physical Address
13348 N BILLY LN
POCATELLO, ID 83202
Mailing Address

Agent or Address Change

☐ Select if you are appointing a new agent.

Corporate Officers and Directors:

Name	Title	Business Address
Randy Wheatley	President	8753 SOUTH ROBIN RD MCCAMMON, ID 83250
Wade W Egan	Secretary	13348 NORTH BILLY LANE POCATELLO, ID 83202

The annual report must be signed by an authorized signer of the entity.

Job Title: Secretary

Wade W Egan

Sign Here

05/05/2023

Date

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

New headgate will be installed with a controlling/locking device as well as a wier to measure the flow of the water.
The second point has been in used for many years, has a measuring device and we are adding a locking valve.

- b. Who owns the property at the point(s) of diversion? Potter Creek Ranch LC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

We have a written easement with Potter Creek Ranch

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

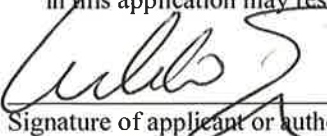
If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and 1/4 1/4 of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

Wade W Egan Secretary
Print name and title if applicable

Feb 14 2024
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid 1,460.⁰⁰ Date 2-16-24 Receipted by M. Pettis Receipt # E049813

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

FEB 16 2024

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

DEPARTMENT OF WATER RESOURCES
EASTERN REGION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. APPLICANT(S) Marsh Center Irrigating Company Phone 208 681 34232. MAILING ADDRESS 13348 North Billy Lane City PocatelloState ID Zip 83202 Email wade.egan7@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 29-13493, 29-10663, 29-12058

- ☐ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 12.33 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☒ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
X			NW	SE	36	10S	35E	BANNOCK	HAWKINS CREEK	
X			NE	SE	35	10S	35E	BANNOCK	HAWKINS CREEK	

Marsh Center Irrigating Company Transfer



-  Current POD
 Proposed PODs
 Township/Range
 Sections
 QQ

SUPERCEDED



88794



Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

March 6, 2024

MARSH CENTER IRRIGATION COMPANY
13348 N BILLY LN
POCATELLO, ID 83202-5180

RE: Transfer No. 88794

Water Right No(s). 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, 29-13494

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATE JOURNAL, IDAHO STATESMAN, and POST REGISTER on 3/13/2024 and 3/20/2024 and in the TIMES NEWS and LEWISTON TRIBUNE on 3/14/2024 and 3/21/2024. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink, appearing to read "CHENMAN".

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, March 6, 2024 3:09 PM
To: legalnotices@postregister.com
Subject: Legal Notice for Idaho State Journal
Attachments: 88794 Idaho State Journal, Post Register, Idaho Statesman.docx

LEGAL NOTICE DEPARTMENT
IDAHO STATE JOURNAL
PO BOX 431
POCATELLO, ID 83204-0431

RE: Transfer No. 88794
Water Right No(s). 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, 29-13494

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 4/1/2024. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

Henman, Christina

From: Henman, Christina
Sent: Wednesday, March 6, 2024 3:09 PM
To: legals@idahostatesman.com
Subject: Legal Notice for Idaho Statesman
Attachments: 88794 Idaho State Journal, Post Register, Idaho Statesman.docx

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Transfer No. 88794
Water Right No(s). 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, 29-13494

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 4/1/2024. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

Henman, Christina

From: Henman, Christina
Sent: Wednesday, March 6, 2024 3:09 PM
To: legalnotices@postregister.com
Subject: Legal Notice for Post Register
Attachments: 88794 Idaho State Journal, Post Register, Idaho Statesman.docx

LEGAL NOTICE DEPARTMENT
POST REGISTER
PO BOX 1800
IDAHO FALLS, ID 83403-1800

RE: Transfer No. 88794
Water Right No(s). 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, 29-13494

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 4/1/2024. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 88794**

MARSH CENTER IRRIGATION COMPANY, 13348 N BILLY LN, POCATELLO, ID 83202-5180 has filed Application No. 88794 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, 29-13494; to see a full description of these rights and the proposed transfer, please see

<https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and add points of diversion. Proposed point of diversion from Hawkins Creek for 880 AF of irrigation storage is NWNESE Sec 35 T10S R35E (Hawkins Dam). Proposed points of diversion from Hawkins Creek for irrigation, stockwater, and irrigation from storage are in NESE Sec 35 T10S R35E and SENW Sec 36 T10S R36E. Proposed point of diversion from South Fork Hawkins Creek for irrigation and stockwater is in NWSE Sec 36 T10S R35E. Total diversion rate from all points of diversion is 42.33 cfs.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 4/1/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 3/13/2024 and 3/20/2024

Henman, Christina

From: Henman, Christina
Sent: Wednesday, March 6, 2024 3:09 PM
To: legals@magicvalley.com
Subject: Legal Notice for Times News
Attachments: 88794 Times News, Lewiston Tribune.docx

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 88794
Water Right No(s). 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, 29-13494

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 4/1/2024. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

Henman, Christina

From: Henman, Christina
Sent: Wednesday, March 6, 2024 3:09 PM
To: legals@lmtribune.com
Subject: Legal Notice for Lewiston Tribune
Attachments: 88794 Times News, Lewiston Tribune.docx

LEGAL NOTICE DEPARTMENT
LEWISTON TRIBUNE
505 C ST
PO BOX 957
LEWISTON, ID 83501

RE: Transfer No. 88794
Water Right No(s). 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, 29-13494

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 4/1/2024. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 88794**

MARSH CENTER IRRIGATION COMPANY, 13348 N BILLY LN, POCATELLO, ID 83202-5180 has filed Application No. 88794 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-10663, 29-10664, 29-10665, 29-12058, 29-13493, 29-13494; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and add points of diversion. Proposed point of diversion from Hawkins Creek for 880 AF of irrigation storage is NWNESE Sec 35 T10S R35E (Hawkins Dam). Proposed points of diversion from Hawkins Creek for irrigation, stockwater, and irrigation from storage are in NESE Sec 35 T10S R35E and SENW Sec 36 T10S R36E. Proposed point of diversion from South Fork Hawkins Creek for irrigation and stockwater is in NWSE Sec 36 T10S R35E. Total diversion rate from all points of diversion is 42.33 cfs.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 4/1/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 3/14/2024 and 3/21/2024