

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-20637
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

THOMAS M O GARA FAMILY TRUST Phone: (208)726-3030
C/O BRIAN BARSOTTI
PO BOX 370
KETCHUM ID 83340

2. Date of Priority: 02/12/1947

3. Source: GROUND WATER , GROUND WATER Trib. to: ,

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	19E	4	NW SW	BLAINE	
01S	19E	4	SW NW 4	BLAINE	

5. Description of diverting works:

2 WELLS, (A) 60', 14"; (B) 24" W/200 HP PUMP; TWO 250 HP PUMPS

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	04/01 11/01	1.58	238.3

7. Total Quantity Appropriated is:
1.58 C.F.S. and/or 238.3 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
01S	19E	3	SW	NW	4	IRRIGATION	16
						Section Acres	16
01S	19E	4	SW	NE	2	IRRIGATION	16
			SE	NE	1	IRRIGATION	16
			SW	NW	4	IRRIGATION	17
			SE	NW	3	IRRIGATION	17
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	39
			SW	SW		IRRIGATION	39
			SE	SW		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	264
01S	19E	9	SW	SW		IRRIGATION	39
			SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	7.6
			NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			NW	NW		IRRIGATION	39
			SW	NW		IRRIGATION	27
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	34
						Section Acres	586.6
01S	19E	16	NW	NW		IRRIGATION	19
						Section Acres	19
						Total Acres	885.6

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

This right is limited to the irrigation of 79.1 acres within the place of use described above in a single irrigation season.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: License

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-2476
Date Received: 12/21/1988
Receipt No: C004292
Received By:

AMENDED NOTICE OF CLAIM TO A WATER RIGHT AMENDED
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

THE THOMAS M O GARA FAMILY TRUST Phone: (208)726-3030
C/O BRIAN BARSOTTI
PO BOX 370
KETCHUM ID 83340

2. Date of Priority: 02/12/1947

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	19E	4	NW SW	BLAINE	
01S	19E	4	SW NW 4	BLAINE	

5. Description of diverting works:

2 WELLS, (A) 60', 14"; (B) 24" W/200 HP PUMP; TWO 250 HP PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	1.64	

7. Total Quantity Appropriated is:

1.64 C.F.S. and/or 247 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	19E	3	SW NW	4	IRRIGATION	16
					Section Acres	16
01S	19E	4	SE NW	3	IRRIGATION	17
			SW NE	2	IRRIGATION	16
			SE NE	1	IRRIGATION	16
			SW NW	4	IRRIGATION	17
			NE SW		IRRIGATION	40
			NW SW		IRRIGATION	39
			SW SW		IRRIGATION	39
			SE SW		IRRIGATION	40
			SE SE		IRRIGATION	40
					Section Acres	264
01S	19E	9	NW SE		IRRIGATION	40
			SE NE		IRRIGATION	40
			NE NW		IRRIGATION	40
			NW NW		IRRIGATION	39
			SW NW		IRRIGATION	27
			SE NW		IRRIGATION	40
			NE NE		IRRIGATION	40
			NW NE		IRRIGATION	40
			SW NE		IRRIGATION	40
			NE SW		IRRIGATION	40
			NW SW		IRRIGATION	34
			SW SW		IRRIGATION	39
			SE SW		IRRIGATION	40
			NE SE		IRRIGATION	40
			SW SE		IRRIGATION	40
			SE SE		IRRIGATION	40
					Section Acres	619
01S	19E	16	NW NW		IRRIGATION	19
					Section Acres	19
					Total Acres	918

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

OTHER RTS. CONTD. 37-00113A.

CHANGE OF OWNERSHIP 1/13/93 BY JG.

12/10/98 TF; PLACE OF USE CORRECTED TO MATCH THE WAY THE CLAIM WAS ORIGINALLY FILED.

2/11/02 tf; claim amended. POU changed to PPU. This claim is limited to the irrigation of 82 within the 918 acre place of use.

15. Basis of Claim: License

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

RECEIVED

FEB 01 2002

Department of Water Resources
Southern Region

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

* AMENDED CLAIM

A37 -02476

Please type or print clearly

1. Name of Claimant (s) THE THOMAS M. O'GARA FAMILY TRUST c/o BRIAN BARSETTE Phone (208) 726-3030
Mailing Address ATTORNEY AT LAW
P.O. Box 370 KETCHUM, ID Zip 83340

2. Date of Priority (Only one (1) per claim) 02/12/1947

3. Source of water supply (a) GROUNDWATER
which is tributary to (b) N/A

4. a. Location of existing point of diversion is: Township 01S Range 19E Section 4,
LOT 4
1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of BLAINE

Additional points of diversion if any: T01S R19E SEC 4 NW SW

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

2 - GROUNDWATER WELLS

COPY

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 04-01 to 11-01 amount 1.64 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.64 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 205.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) N/A

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
01S	19E	3							04-16										16.0
01S	19E	4			02-16	01-16			04-17	03-17	40	39	39	40				40	264.0
01S	19E	9	40	40	40	40	40	39	27	40	40	34	39	40	40	40	40	40	619.0
01S	19E	16						19											19.0

* LIMITED TO 82 AC WITHIN 918 AC PPU Total number of acres irrigated 918 AC PPU

11. In which county (ies) are lands listed above as place of use located? BLAINE

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
SEE ATTACHED SHEET or None ()

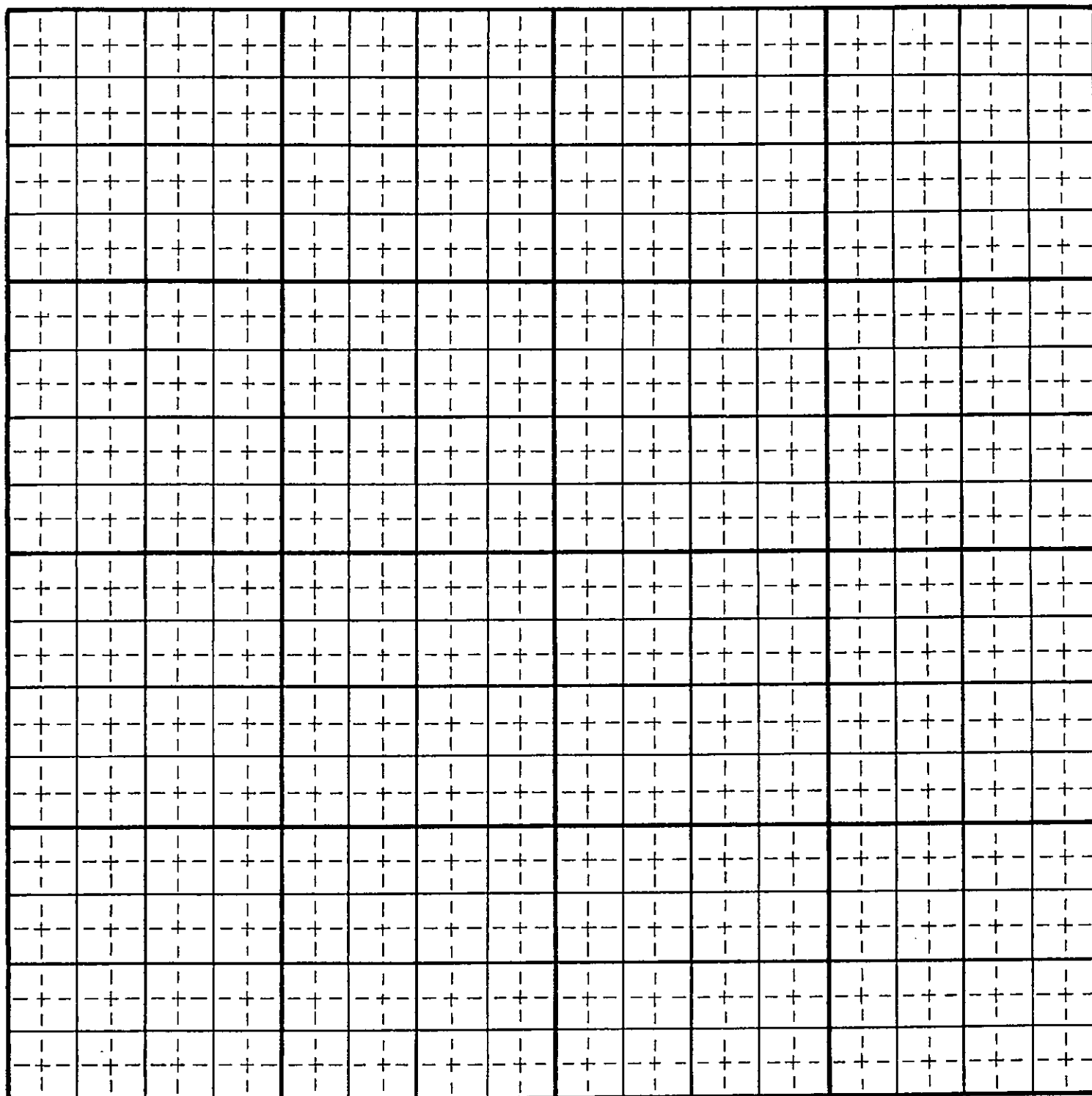
14. Remarks: AMENDED CLAIM

COPY

Last Name _____ Ident No. _____

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



COPY

Last Name _____ Ident No. _____

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number A37-02476
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____

Date 1/30/02

Date _____

** LIMITED POWER OF ATTORNEY ATTACHED.*

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title _____

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or Idaho)
County of Twin Falls) SS.

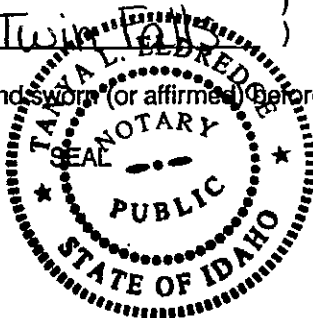
Subscribed and sworn (or affirmed) before me this _____

30th

day of _____

January

19 2002



Notary Public _____

Tanya L. Eldredge

Residing at _____

Twin Falls

My Commission Expires _____

12-18-06

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____

Ident. Number _____

COPY

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-02476
Date Received: 12/21/1988
Receipt No: C004292
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: THE THOMAS M O GARA FAMILY TRUST 208-726-3030
Address: C/O BRIAN BARSOTTI
ATTORNEY AT LAW
PO BOX 10013
KETCHUM ID 83340

2. Date of Priority: FEB 12, 1947

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	19E	4	SW	NW	NW	4	BLAINE
			NW	SW	SW		BLAINE

5. Description of diverting works:
2 WELLS, (A) 60', 14"; (B) 24" W/200 HP PUMP; TWO 250 HP PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.640		247.00

7. Total Quantity Appropriated is:
1.640 C.F.S. (and/or) 247.00 A.F.A.

8. Total consumptive use is 205.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	19E	3	SW	NW	4	IRR	16.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	16.0
		4	SW	NE	2	IRR 16.0
			SE	NE	1	IRR 16.0
			SW	NW	4	IRR 17.0
			SE	NW	3	IRR 17.0
					Section Acres	66.0
					Total Acres	82.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

37-00682, 37-00683, 37-00684, 37-00355, 37-00803, 37-00577BZ

14. Remarks:

OTHER RTS. CONTD. 37-00113A.

CHANGE OF OWNERSHIP 1/13/93 BY JG.

12/10/98 TF; PLACE OF USE CORRECTED TO MATCH THE WAY THE CLAIM
WAS ORIGINALLY FILED.

15. Basis of Claim: LICENSE

Water Right Number: 20049

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A37-02476**
Date Received: 12/21/1988
Receipt No: C004292
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: THE THOMAS M O GARA FAMILY TRUST 208-726-3030
Address: C/O BRIAN BARSOTTI
ATTORNEY AT LAW
PO BOX 10013
KETCHUM ID 83340

2. Date of Priority: FEB 12, 1947

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	19E	4	SW	NW	NW	4	BLAINE
			NW	SW			BLAINE

5. Description of diverting works:
2 WELLS, (A) 60', 14"; (B) 24" W/200 HP PUMP; TWO 250 HP PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.640		247.00

7. Total Quantity Appropriated is:
1.640 C.F.S. (and/or) 247.00 A.F.A.

8. Total consumptive use is 205.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	19E	3	NW	NW	4	IRR	16.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
					Section Acres	16.0	
		4	NE	NE	1	IRR	16.0
			NW	NE	2	IRR	16.0
			NE	NW	3	IRR	17.0
			NW	NW	4	IRR	17.0
					Section Acres	66.0	
					Total Acres	82.0	

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

37-00682, 37-00683, 37-00684, 37-00355, 37-00803, 37-00577BZ

14. Remarks:

OTHER RTS. CONTD. 37-00113A.

CHANGE OF OWNERSHIP 1/13/93 BY JG.

15. Basis of Claim: LICENSE

Water Right Number: 20049

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

MICROFILMED

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

AUG 24 1994

RECEIVED

OCT 01 1993

Department of Water Resources
Southern Region OfficeNEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIPPlease print or type
(see instructions on back of page)DATE OF CLOSING: N/A

LEGAL DESCRIPTION OF PROPERTY: SEE CLAIMS LISTED
 Township _____ Range _____
 Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
 Lot _____, Block _____, Subdivision/Townsite _____
 If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) Assigned by IDWR: A37-00803: A37-02476: A37-07569: A37-12400: A37-12401: A37-12402: A37-00355: A37-00682: A37-00683: A37-00684: A37-00113C: A37-00577BZ: A37-12403
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): KERR PACIFIC CORPORATION, an Oregon corporation
c/o Andrew P. Kerr, Attorney at Law
1200 S.W. Main Bldg., Portland, Oregon 97205
- ☐ New Owner/Claimant (Purchaser): THE THOMAS M. O'GARA FAMILY TRUST
- ☐ New Mailing Address: c/o Brian Barsotti, Attorney at Law
P O Box 10013
Ketchum, Idaho 83340
- ☐ New Telephone Number: (208) 726-3030
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____
 (proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- OR
- ☐ Signature of New Owner/Claimant(s): Thomas M. O'Gara Family Trust Date 9/28/93
- ☐ Signature of Former Owner/Claimant(s): Kerr Pacific Corp Date 9/17/93
by Jan M. Wain, Asst Secy/Reg Date 9/17/93
 (Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 1/14/04 By: AG

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

AUG 24 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

Claimant Acknowledgement of Change in Attorney
in Snake River Basin Adjudication (SRBA)

Name(s) of Claimant (please print):

THE THOMAS M. O'GARA FAMILY TRUST

I/we acknowledge (check one):

☐ The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.

☒ I/we are now represented by the attorney at the address below.

IN SRBA = JOHN A. ROSHOLT of ROSHOLT, ROBERTSON & TUCKER

PO BOX 1906, TWIN FALLS ID 83303-1906

(208/734-0700)

OTHER MATTERS = BRIAN BARSOITTI, ATTORNEY AT LAW

PO BOX 10013, KETCHUM ID 83340

(208/726-3030)

Attorney's Phone _____

The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).

A37-00803: A37-02476: A37-07569: A37-12400: A37-12401: A37-12402
A37-00355: A37-00682: A37-00683: A37-00684: A37-00113C: A37-00577BZ
A37-12403

For Individuals:

Authorized signature(s) Date 12/27/93

Truster of THE THOMAS M. O'GARA TRUST

For Organizations:

I am _____ of _____, and I

Title

Organization

have signed the foregoing document in the space below as

of _____

Title

Organization

Signature of Authorized Agent _____

Title _____ Date _____

Organization _____

IDWR Use:

Date Received _____

Data Entry _____

RECEIVED

JAN 05 1994

Department of Water Resources
Southern

MICROFILMED

AUG 24 1994

Revised Date 4-03-92

BRIAN BARSOTTI

ATTORNEY AT LAW

GREYHAWK ALPINE CENTER

WARM SPRINGS VILLAGE

P. O. BOX 10013

KETCHUM, IDAHO 83340

208/726-3030 FAX NO. 208/726-2922

OF COUNSEL TO
ROARK, DONOVAN, PRAGGASTIS,
RIVERS & PHILLIPS

ADMITTED TO THE PRACTICE
OF LAW IN IDAHO AND
CALIFORNIA

January 4, 1994

RECEIVED

JAN 05 1994

Department of Water Resources
Southern Region Office

Att: Crystal
John Rosholt
Rosholt, Robertson & Tucker
P O Box 1906
Twin Falls, Idaho 83303-1906

Dear Crystal:

Enclosed is the executed Claimant Acknowledgement of Change in Attorney. This was executed by Tom O'Gara as Trustee of the Thomas M. O'Gara Family Trust.

Thank you for your assistance.

Very truly yours,



Brian J. Barsotti

BB/k
Enc.

MICROFILMED

AUG 24 1994

Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication (SRBA)

Name(s) of Claimant (please print):

THE THOMAS M. O'GARA FAMILY TRUST

I/we acknowledge (check one):

☐ The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.

☒ I/we are now represented by the attorney at the address below.

IN SRBA = JOHN A. ROSHOLT of ROSHOLT, ROBERTSON & TUCKER

PO BOX 1906, TWIN FALLS ID 83303-1906

(208/734-0700)

OTHER MATTERS = BRIAN BARSOTTI, ATTORNEY AT LAW

PO BOX 10013, KETCHUM ID 83340

(208/726-3030)

Attorney's Phone _____

The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).

A37-00803: A37-02476: A37-07569: A37-12400: A37-12401: A37-12402
A37-00355: A37-00682: A37-00683: A37-00684: A37-00113C: A37-00577BZ
A37-12403

For Individuals:

Authorized signature(s) Date 12/27/93

Res. of THE THOMAS M. O'GARA TRUST

For Organizations:

I am _____ of _____, and I

Title

Organization

have signed the foregoing document in the space below as

of _____

Title

Organization

Signature of Authorized Agent _____

Title _____

Date _____

Organization _____

IDWR Use:
Date Received _____
Data Entry _____

RECEIVED

JAN 03 1994

Department of Water Resources

Southern Region **AUG 24 1994**

Revised Date 4-03-92

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
THOMAS J. RYAN
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN K. SIMPSON
PATRICK D. MADIGAN
PAUL W. SAMUELSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2199
BOISE, IDAHO 83701-2199
TELEPHONE (208) 336-0700
FAX (208) 344-0034

DATE: 12/22/93
TO: July Givens
FROM: Crystal Vancich
RE: "O'Hara"

NUMBER OF PAGES INCLUDING THIS ONE: 2

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL US BACK AS SOON AS POSSIBLE AT (208) 734-0700.

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ADDITIONAL MESSAGE:

When I lined your copies up, I don't
remember seeing this document. It is the
most important one!

MICROFILMED

AUG 24 1994

COPY

ASSIGNMENT OF RIGHT TO PURCHASE PROPERTY

THIS ASSIGNMENT is made this 1st day of February, 1990, by and between GREGORY C. SMITH, a single man, hereinafter referred to as "Smith", and THE THOMAS M. O'GARA FAMILY TRUST, hereinafter referred to as "O'Gara".

R E C I T A L S :

A. O'Gara and J.H. Walton, Jr., and Carolyn K. Walton, husband and wife, hereinafter referred to as "Walton", entered into that certain Real Estate Purchase and Sale Agreement dated October 13, 1989, hereinafter the "Agreement", wherein Walton agreed to convey to O'Gara, and O'Gara agreed to acquire from Walton, certain real property and improvements thereon, all more particularly described in the Agreement (the "Silver Springs and Shoestring Ranches").

B. Smith desires to take assignment of and assume all of O'Gara's rights and obligations under the Agreement, and O'Gara desires to assign to Smith all such rights and obligations on the terms and conditions hereinafter set forth.

TERMS AND CONDITIONS

1. Assignment. O'Gara hereby assigns to Smith all of his right, title and interest to purchase the Silver Springs and Shoestring Ranches in accordance with the terms and conditions of the Agreement.

2. Assumption. Smith hereby accepts this assignment from O'Gara, and further agrees to assume all of the obligations of O'Gara under the Agreement and to be bound thereby, as if he had originally signed and entered into the Agreement.

3. Escrow Instructions. The parties agree to deliver a copy of this Assignment to Blaine County Title as further escrow instructions for its Escrow No. 19892591, and said escrow holder is instructed to be governed thereby.

MICROFILMED

AUG 24 1994

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-02476

Date Received: 10/27/1988

Receipt No: C004292 *llt*

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KERR PACIFIC CORP. 503-221-1772
Address: C/O ANDREW P. KERR
C/1 GILBERTSON, ET AL
1200 S.W. MAIN BLDG.
PORTLAND, OR 92705-0000

2. Date of Priority: FEB 12, 1947

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	19E	4	SW	NW		4	BLAINE
			NW	SW			BLAINE

5. Description of diverting works:
2 WELLS, (A) 60', 14"; (B) 24" W/200 HP PUMP; TWO 250 HP PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.640		247.00

7. Total Quantity Appropriated is:
1.640 C.F.S. (and/or) 247.00 A.F.A.

8. Total consumptive use is 205.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	19E	3	NW	NW	4	IRR	16.0

Section Acres 16.0

A37-02476

Page 1

Date: 01/16/89

MICROFILMED

FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	19E	4	NE	NE	1	IRR	16.0
			NW	NE	2	IRR	16.0
			NE	NW	3	IRR	17.0
			NW	NW	4	IRR	17.0
						Section Acres	66.0
						Total Acres	82.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
37-00682, 37-00683, 37-00684, 37-00355, 37-00803, 37-00577BZ

14. Remarks:
OTHER RTS. CONTD. 37-00113A.

15. Basis of Claim: LICENSE
Water Right Number: 20049

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____ and that the statements contained in the
_____ foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
Print Name

acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39356
Ident Number A37-02476
Date Received 10-27-88
Receipt Number C004292

RECEIVED

OCT 27 1988

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources
Southern Region Office

1. Name of Claimant(s): Kerr Pacific Corp.
Phone: (503) 221-1772
Mailing Address: c/o Andrew P. Kerr
Gilbertson, Brownstein, Rask, Sweeney, Kerr &
Grimm
1200 S.W. Main Bldg.
Portland, OR 97205
2. Date of Priority: February 12, 1947
3. Source of water supply (a) Groundwater
which is tributary to (b)
4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
1S	19E	4				4	Blaine
1S	19E	4		NW	SW		Blaine

Additional points of diversion if any: See above

- b. If instream flow, beginning point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
-----------------	--------------	----------------	---------------------------------	---------------------------------	---------------------------------	------------	---------------

Ending point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
-----------------	--------------	----------------	---------------------------------	---------------------------------	---------------------------------	------------	---------------

MICROFILMED

FEB 23 1993

5. Description of existing diversion works: (a) 60 ft. deep well with 14 inch casing pumps into head ditch described in (b); (b) 24 inch diameter well with 200 HP pump to a head ditch; two (2) 250 HP pumps from the head ditch to mainline; wheel lines ((b) is same point of diversion as 37-7569).

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	April 1	November 1	1.64 cfs

7. Total Quantity Claimed: 1.64 cfs

8. Total consumptive use claimed is 205 acre feet per annum.

9. Non-irrigation uses: None.

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4</u>	<u>1/4</u>	<u>Use</u>	<u>Irrig. Acres</u>
1S	19E	3	SW	NW(Lot 4)	I	16
1S	19E	4	SW	NE(Lot 2)	I	16
1S	19E	4	SE	NE(Lot 1)	I	16
1S	19E	4	SW	NW(Lot 4)	I	17
1S	19E	4	SE	NW(Lot 3)	I	17

Total number of irrigated acres: 82

11. Place of use is located in Blaine County.

12. Do you own the property listed above as place of use? Yes. See remarks.

13. Describe any other water rights used at the same place and for the same purposes described above? 37-0682, 37-0683, 37-0684, 37-0355, 37-0803, 37-0577BA, 37-0113A.

14. Remarks: Transfer 3363. Claimant owns the property listed above as place of use subject to an unrecorded contract of sale to J. H. Walton, Jr. and Caorlyn K. Walton, c/o Leggat, McCall Companies, Ten Post Office Square, Boston, MA 02109. The groundwater rights are supplemental to the surface rights identified in para. 13, above. However, water from all of these rights is collected and commingled in the ditch described in para. 5, above, and pressurized into the irrigation system.

Last Name: Kerr Pacific Corp.

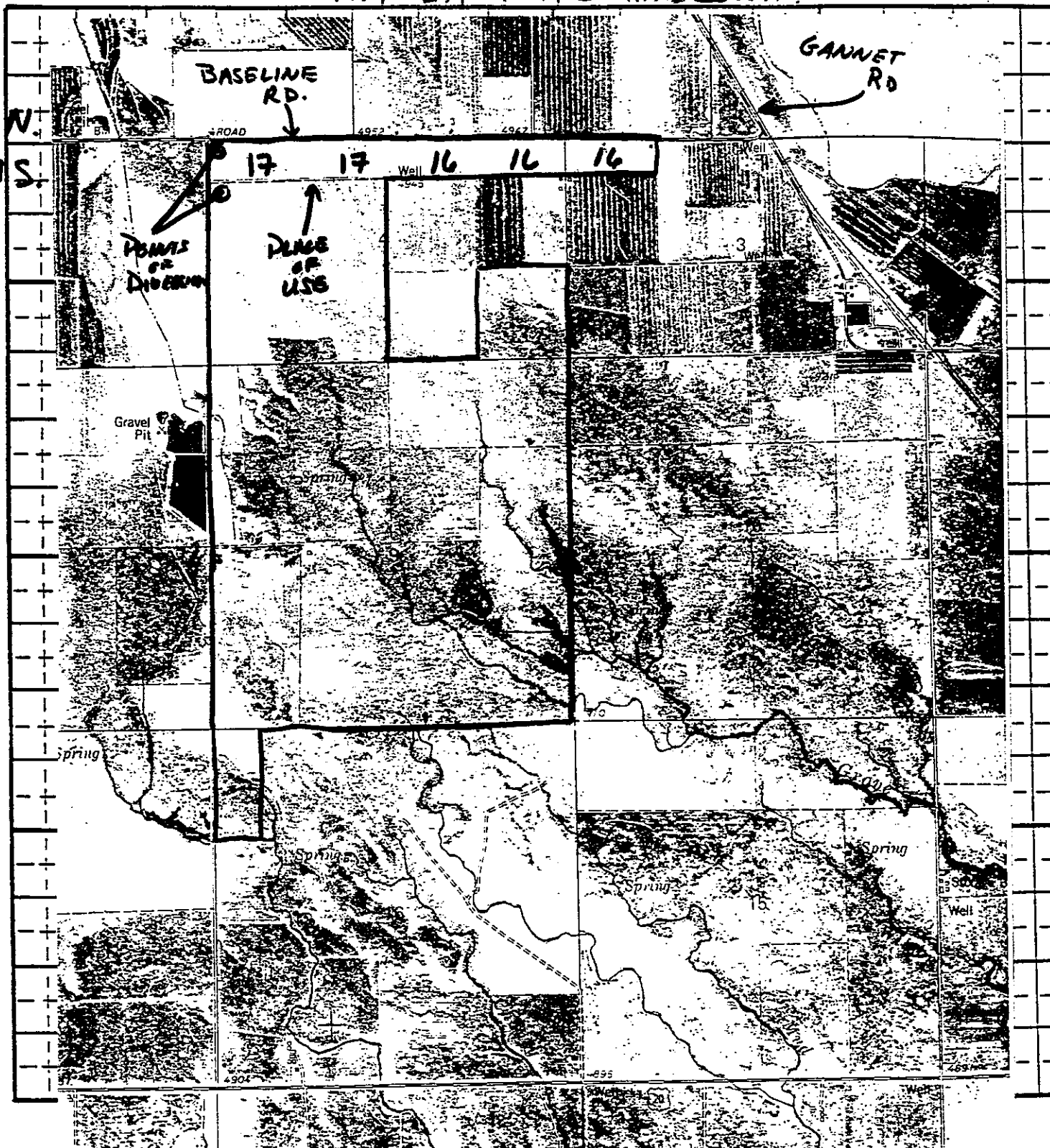
Ident No. _____

MICROFILMED

FEB 23 1993

Scale: 2 inches equals 1 mile

T. 1 W.	
T 1 S.	



MICROFILMED

Last Name

KERN PACIFIC CORP

Ident No.

Copies: White-State, Yellow-Confidential
FEB 23 1993

15. Basis of Claim: License
IDWR Water Right Number: 37-2476
Court:
Case Number:
Decree Date:
Plaintiff v. Defendant:

16. Signature(s)
(a) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b) I/We do not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments _____

[For Organizations] I do solemnly swear or affirm that I am President of Kerr Pacific Corp., that I have signed the foregoing document in the space below as President of Kerr Pacific Corp. and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent E. Randolph Golbe

Title of Organization Kerr Pacific Corp. Date 10-21-88

State of Oregon)
County of Multnomah) ss.

Subscribed and sworn before me this 21st day of October, 1988.

Notary Public Ignat M. Engelgau
Residing at Portland, Oregon
Commission Expires 5/22/89

17. Notice of Appearance:

Notice is hereby given that I, James P. Speck, will be acting as attorney at law of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to the address listed below.

Signature: James P. Speck

James P. Speck
Hogue, Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

Date: 10/24/88

Last Name: Kerr Pacific Corp.

Ident No.: _____

MICROFILMED

FEB 23 1993

Albert P. Barker
John A. Rosholt
John K. Simpson
Travis L. Thompson
Shelley M. Davis
Paul L. Arrington
Scott A. Magnuson
Sarah W. Higer



Paul L. Arrington
pla@idahowaters.com

113 Main Avenue West, Suite 303
Post Office Box 485
Twin Falls, Idaho 83303-0485
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

1010 West Jefferson, Suite 102
Post Office Box 2139
Boise, Idaho 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

February 5, 2010

RECEIVED

FEB 09 2010

DEPARTMENT OF
WATER RESOURCES

Chris Bromley
Deputy Attorney General
P.O. Box 83720-0098
Boise, ID 83720-0098

Doug Jones
Southern Regional Office
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RE: Water Rights 37-20637 & 37-20638 (Tom O'Gara)

Dear Chris & Doug:

I am writing in response to your recent email indicating that the Department is no longer willing to settle the objections filed by Tom O'Gara on Water Right Nos. 37-20637 & 37-20638. As I understand it, your decision to withdraw the settlement offer came after reviewing a March 30, 1951 letter from Mark Kulp. As discussed below, both the law and facts support the settlement previously agreed to by the Department.

The Law Requires a Recommendation Consistent with the 2006 Transfer Order

"The law of the case in the SRBA is that a party may not subsequently challenge elements or conditions decided in a license." *Order on Motion to Dismiss Objections & Request for Attorney Fees*, Subcase Nos. 37-494, *et al*, p.5 (The Valley Club) (Oct. 10, 2008) (the "*Valley Club Order*"). As such, absence any changed circumstances after the license was issued, it is binding on the Department and parties to the SRBA. This is consistent with the statutory mandate that a "license shall be binding upon the state as to the right of such licensee to use the amount of water mentioned therein." Idaho Code §§ 42-220; *cf.* 42-1420(1) ("The decree entered in a general adjudication *shall be conclusive as to the nature and extent* of all water rights in the adjudicated water system") (emphasis added).

Importantly, this same "law of the case" prohibits collateral attacks to transfer proceedings. "Collateral attacks of transfers should be disfavored in the SRBA just as collateral

attacks of licenses.” *Valley Club Order* at 5. As such, the Department is barred from challenging the elements to a water right that was decided or confirmed through licensing or transfer proceedings. *Id.*

In this case, we have a license and two transfers. The license was issued on November 25, 1975, Attachment A, and is binding on the Department, Idaho Code § 42-220. The Department cannot now, nearly 35 years later attempt to attack that same license.

In 1987, the Department approved Transfer No. 3363, adding an additional point of diversion. Attachment B (Letter dated Dec. 7, 1987 referencing Transfer No. 3363). On December 28, 2006, the Department issued Transfer No. 69756, which, among other things, split the original license (37-2476) and created water right nos. 37-20637 and 37-20638. Attachment C. The claims for 37-20637 and 37-20638 are identical to the elements in the 2006 transfer order. Based on the *Valley Club Order*, the water rights should be recommended consistent with these claims. In fact, that is the exact reason that the Department presented the prior settlement offer.

The only justification I have heard for revoking the settlement offer is a reference to the March 30, 1951 letter from Mark Kulp. Attachment D. Yet, that letter provides no basis for overlooking the law and rejecting Mr. O’Gara’s claims. First, it was written 24 years before the Department issued the license. Furthermore, the letter was available to the Department since that time – including at the time water right 37-2476 was licensed. The Department cannot now, 35 years after issuing the license, attempt to revoke its own license based on the new belief that the license was in error. The Department had all the evidence at that time and there is no reason to believe that it wasn’t considered.

In short, the law is clear. The Department has provided no evidence of any changed circumstances since the 2006 transfer. The claims are identical to the 2006 transfer. As such, the law demands that Mr. O’Gara’s rights be recommended and decreed as claimed.

The Facts Support Mr. O’Gara’s Claims

From what I understand, you interpret the March 30, 1951 letter to mean that Mr. Allred, the original owner of this water right, had double filed on the same water (receiving both a decree and license). You stated that a partial decreed of these water rights would result in a windfall ruling for Mr. O’Gara – giving him twice the water. We do not agree with your interpretation. In fact, based on the attached Excess Flow Analysis, prepared by Chuck Brockway, it is clear that both water rights were needed to irrigate what is commonly referred to as the Shoestring Ranch. Attachment E.

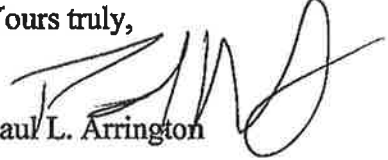
Other Legal Claims

I understand that the Department is not a party to the SRBA. However, the Department is still bound by the licenses it issues and transfers it approves. As discussed above, there is no basis in the law to disallow Mr. O’Gara’s water rights. The original rights were developed, licensed and transferred. Mr. O’Gara and his predecessors have relied on this water for decades.

Should the Department continue to challenge the license and transfer order, by seeking to disallow the claims in the SRBA, Mr. O'Gara may need to seek recourse in a different forum.

Mr. O'Gara is not seeking a windfall victory in the SRBA. Rather, Mr. O'Gara is simply seeking his water – water that was beneficially used, licensed and transferred (twice). The law and facts support the Department's previous settlement offer. Please review this letter and information and give me a call to discuss further settlement options.

Yours truly,


Paul L. Arrington

PLA/jf

cc: Tom O'Gara (via email)
Chuck Brockway (via email)
Brian Barsotti (via email)

Encs.

Exhibit A

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 20049/37-2476 Priority Feb. 12, 1947 Amount 1.64 cfs

THIS IS TO CERTIFY, that CLARENCE E. ALLRED
of Gannett, Idaho, has complied with the terms and conditions of Permit
No. 20049/37-2476 issued pursuant to Application for Permit dated February 12, 1947,
and has submitted proof to the Department of Water Resources on February 15, 1950,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.64 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>Nov. 1</u>	at <u>1.64</u> cfs and	<u>247</u> acre feet or
	from _____ to _____	_____ cfs and	<u>3.0</u> af per acre
	from _____ to _____	_____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.64 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
247 acre feet per year, said waters to be diverted within Lot 4 of Sec. 4,

Twp. 1 S, Rge. 19 E, B. M. in the County of Blaine

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4			NW 1/4			SE 1/4			SW 1/4			Totals		
			NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4			
1 S	19 E	3				15.									15.52		
						(lot									4)		
1 S	19 E	4	15.	16.		16.	17.								66.52		
			96	41		85	30										
			(lot	(lot		(lot	(lot										
			1)	2)		3)	4)										

Total number of acres irrigated 82.04

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 25 day of
November, 19 75.

Director

Exhibit B



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS

Governor

R. KEITH HIGGINSON

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

December 7, 1987

RE: Transfer of Water Right Nos. 37-0803/2476

Kerr Pacific Corp.
c/o Gilbertson, Brownstein,
Rask, Sweeney, Kerr & Grim
1200 S.W.
Main Bldg.
Portland, OR 92705

Gentlemen:

Enclosed is a copy of your approved Application for Transfer of the above
referenced water rights (Transfer No. 3363).

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

FEB 26 1988

Exhibit C

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69756

This is to certify that: THOMAS M O GARA FAMILY TRUST
 C/O BRIAN BARSOTTI
 PO BOX 370
 KETCHUM ID 83340
 (208)726-3030

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. A summary of the changes is also listed below. 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>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-803	AJC/Decreed	08/15/1946	2.54 cfs	N/A	84.0	918.0	GROUND WATER
37-355	AJC/Decreed	05/17/1883	5.60 cfs	N/A	320.0	918.0	BIG WOOD RIVER
37-2476	AJC/License	02/12/1947	1.64 cfs	247 af	84.0	918.0	GROUND WATER
37-7569	AJC/License	03/08/1977	9.20 cfs	N/A	836.0	918.0	GROUND WATER
37-113C	AJC/Decreed	07/10/1884	1.00 cfs	N/A	34.5	918.0	BIG WOOD RIVER
37-577BZ	AJC/Decreed	03/24/1883	0.69 cfs	N/A	34.5	918.0	BIG WOOD RIVER
37-682	AJC/Decreed	04/17/1883	0.50 cfs	N/A	280.0	918.0	BIG WOOD RIVER
37-683	AJC/Decreed	06/20/1884	4.50 cfs	N/A	280.0	918.0	BIG WOOD RIVER
37-684	AJC/Decreed	06/02/1890	1.00 cfs	N/A	82.0	918.0	BIG WOOD RIVER

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>
37-803	YES	NO	YES	NO	YES	YES
37-355	YES	YES	YES	NO	YES	YES
37-2476	YES	NO	YES	NO	YES	YES
37-7569	YES	NO	YES	NO	YES	YES
37-113C	YES	NO	YES	NO	YES	YES
37-577BZ	YES	NO	YES	NO	YES	YES
37-682	YES	YES	YES	NO	YES	YES
37-683	YES	YES	YES	NO	YES	YES
37-684	YES	YES	YES	NO	YES	YES

SUPPORT DATA

IN FILE # 37-113C

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69756

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
37-803	37-20640	0.09 cfs	7.3 af	N/A	N/A	37-20639	2.45 cfs	N/A	79.1	885.6
37-355	37-20646	0.20 cfs	28.3 af	N/A	N/A	37-20645	5.40 cfs	N/A	308.7	885.6
37-2476	37-20638	0.06 cfs	7.3 af	N/A	N/A	37-20637	1.58 cfs	238.3 af	79.1	885.6
37-7569	37-20636	0.32 cfs	73.8 af	N/A	N/A	37-20635	8.88 cfs	2419.5 af	806.5	885.6
37-113C	37-20642	0.04 cfs	3.0 af	N/A	N/A	37-20641	0.96 cfs	N/A	33.3	885.6
37-577BZ	37-20644	0.02 cfs	3.0 af	N/A	N/A	37-20643	0.67 cfs	N/A	33.3	885.6
37-682	37-20648	0.02 cfs	24.8 af	N/A	N/A	37-20647	0.48 cfs	N/A	270.1	885.6
37-683	37-20650	0.16 cfs	24.8 af	N/A	N/A	37-20649	4.34 cfs	N/A	270.1	885.6
37-684	37-20652	0.04 cfs	24.8 af	N/A	N/A	37-20651	0.96 cfs	N/A	270.1	885.6
COMBINED										
TOTALS		0.95 cfs	81.0 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 28th day of December, 20 06


 Chief, Water Allocation Bureau

Exhibit D

March 30, 1951

Honorable B. H. Sutphen
District Judge
Gooding, Idaho

In re: Clover Land & Livestock Company
vs. Allied et al. -- Blaine County.

Dear Judge Sutphen:

We have reviewed the proposed stipulation in the above cited case and find that Permit No. 20049 was issued to Clarence Allied with a filing date of February 18, 1947, for 4 cubic feet per second of water for the supplemental irrigation of 224 acres of land.

Section 42-202, Idaho Code, limits authorization of 1 cubic foot per second to each 50 acres of land to be irrigated, unless it can be shown to the satisfaction of the Department of Reclamation that a greater amount is necessary. Affidavits were furnished to the effect that more than one inch to the acre was necessary and also to show that existing water rights were inadequate and of little value left in the season on account of some rights being out and deliveries under other rights depleted by excessive canal losses.

The department left the duty of water open until a determination could be made and issued the permit for 4 cubic feet per second. Apparently the Court in the First Decree was not satisfied that an amount greatly in excess of one inch per acre was necessary as 84 1/2 inches from Wood River was decreed with an 1936 priority. However, the Allied lands are porous and under local irrigation practices could not raise a full crop with one inch per acre.

Proofs were offered under Permit No. 20049 and show a little more than 50 acres irrigated with flows varying from 150 to 200 inches starting with the irrigation season of 1946. Our inspector measured the flow at 115.6 cfs on July 27, 1950, but is satisfied that with a higher water level, more could have been delivered by the same pumping equipment but it is doubtful if the 3.3 cubic feet per second stipulated amount has ever been put to beneficial use.

Application for permit stated that a well had already been drilled but was to be enlarged and deepened. This has been done.

MAY 2 8 1951

Honorable D. H. Sutphen
March 20, 1931
Page 2.

Permit No. 20180 was issued to Walter Brown for 4 cubic feet per second for the irrigation of 108.66 acres, with a priority of July 9, 1947. The permit was issued with the stipulation that the duty of water was to be determined. Affidavits were furnished as to the need for more than one inch per acre and the inadequacy of existing rights.

Proofs of beneficial use state that the well was first used in 1947.

Measurement made August 31, 1950, showed 11 1/2 inches delivery by pumping installation, but may have been larger at some time during the season.

Permit No. 21070 was issued to Alvin and A. Keith Rhodes for 8 cubic feet per second for 596 acres, with priority of February 25, 1949. Application stated that an established well was rehabilitated in 1948. No proofs of beneficial use have been made but proof of completion of work was offered and a measurement was made on August 30, 1950 of 4.14 cubic feet per second, but more may have been pumped with a higher water level some time in the season.

The water supply for the Alford, Brown, Rhodes and Clover Land and Livestock Company wells is supposed to be the supply that feeds Silver Creek and if the water is used in the immediate area the depletion will be the amount evaporated and transpired, or what is called the consumptive use by irrigation. Consumptive use on lands in question may be from 1 to 2 more feet per year per acre of land irrigated. All the rest of the water applied will be returned to the ground water supply and presumably will reach Silver Creek.

Spreading the water over more land than is now irrigated will increase the total consumptive use and deplete the ground water supply to a greater extent.

The proposed stipulation and the evidence outlined in your letter of February 27, are consistent with our records except for the amount of water actually put to beneficial use.

The Alford well and pumping plant produced 2.71 cubic feet per second on July 27, 1950 and allowing 10%, may have produced 2.98 cubic feet per second at some time. We have not determined what the Department of Reclamation would have allowed in inches per acre, but 2.98 cubic feet per second, or 127 inches for 64.5 acres would be at the rate of 1 1/2 inches per acre.

The Brown well and pumping plant produced 2.37 cubic feet per second on August 31, 1950, and allowing 10%, may have produced 2.61 cubic feet per second at some time. 2.61 cubic feet per second or 131 inches for 106 acres would be at the rate of a little less than 1 1/2 inches per acre.

Honorable D. H. Stephen,
District Judge.
March 30, 1931.
Page 3.

The Rhodes well and pumping plant produced 4.14 cubic feet per second on August 30, 1930, which is more than asked for in the stipulation. Our records show that Rhodes was irrigating 200 acres from the well on August 30, 1930. The stipulated amount of 4 cubic feet per second would be at the rate of one inch per acre.

We have no data on the Clover Land and Livestock Company well but evidence offered shows 275 acres irrigated. We also have information which indicates that there is some Silver Creek water appurtenant to the Clover Land and Livestock lands.

The Gardner testimony regarding the Byron-Jackson pump with a rated capacity of 2700 gallons per minute which equals 200 miners inches or 6 cubic feet per second under a 30 foot head, would not overload a 25 horsepower motor at a reasonable overall efficiency and it seems probable that it could easily deliver the 4 cubic feet per second asked for. An accurate measurement would be desirable and conclusive. Five cubic feet per second or 250 inches for 275 acres would be less than one inch per acre.

In view of the probability that the ground water being used is tributary to Silver Creek and that the decreed water from the Big Wood River appurtenant to the Alford, Brown and Rhodes lands helps to supply this ground water, it is recommended that Alford be allowed 2.34 cubic feet per second, Brown 2.61 cubic feet per second, and Rhodes 4 cubic feet per second with appropriate priorities, conditioned on the stipulation that it is supplementary to the Big Wood River decreed water; that the Big Wood River decreed water continue to be used when available; that the ground water be made appurtenant to and non-transferable from the stipulated acreage.

We further recommend that the Clover Land and Livestock Company be allowed the measured amount that can be produced by the well and pumping plant at its maximum production during the irrigation season and that it be supplemental to decreed rights and appurtenant to the lands described in the stipulation and non-transferable.

The Department of Reclamation will be available at the call of the Court to make a measurement of the Clover Land and Livestock Company pump.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MAR:bn

MAY 28 1931

Exhibit E

EXCESS FLOW ANALYSIS ON WATER RIGHT PLACE OF USE WITH HYPOTHETICAL REVERSION TO GRAVITY IRRIGATION

**Thomas M O'Gara Family Trust – SRBA Review Water Right Nos. 37-20637 and
37-20638
South of Bellevue, Idaho**

**Brockway Engineering, PLLC
June 9, 2009**

The O'Gara property is located south of Bellevue, Idaho and covers a substantial area. Water right nos. 37-20637 and 37-20638 were created from a transfer (69756) from water right no. 37-2476, originally appurtenant to Lots 1, 2, 3, and 4, Section 4, and Lot 4, Section 3, Township 1 South, Range 19 East, Boise Meridian (Shoestring Ranch – Figure 1). Water right nos. 37-20637 and 37-20638 are stacked with water right nos. 37-20639 and 37-20640 on the same parcel of land. During the SRBA review, IDWR disallowed water right nos. 37-20637 and 37-20638 citing that the stacked water rights were sufficient to cover all uses with these rights. An excess flow analysis has been performed by Brockway Engineering considering the historical irrigation practices to quantify the peak discharge requirements. This analysis justifies a groundwater diversion rate of 0.050 cfs per acre (2.5 inches per acre) with 0.019 cfs per acre (0.95 inches per acre) loss through ditch conveyance and 0.031 cfs per acre (1.55 inches per acre) for gravity irrigation.

Today, groundwater irrigation right nos. 37-20637 and 37-20639 are used to irrigate 79.1 acres via sprinkler systems. This method of irrigation requires a lower peak diversion rate than gravity irrigation methods which have been historically employed on the land. Reviews of historical aerial photos have confirmed that gravity irrigation has occurred as shown in 1964 aerial photo in Figure 1. Water right nos. 37-20637 and 37-20638 were disallowed in the SRBA court; IDWR determined that water right nos. 37-20639 and 37-20640 provided sufficient water for nature of use. IDWR policy throughout the SRBA review has been to not 'go behind' existing decrees and licenses. It is puzzling to us why these rights were disallowed given the strong historical records, including the water right license, pertaining to these rights. Original diversion rates of the irrigation rights allowed for irrigation configurations that included water delivery by ditch and gravity irrigation approach. The IDWR policy has been to avoid restricting a water user to sprinkler irrigation by reducing the diversion rate on the water right. The excess flow analysis was evaluated to determine necessary irrigation flow required to convey water via ditch and irrigate by gravity irrigation.

The basis for water right nos. 37-20637 and 37-20638 is a license (WR 37-2476) granted by the State of Idaho on 11/25/1975 to irrigate 82 acres (Shoestring Ranch) with 1.64 cfs given a priority date of 2/12/1947. The basis for water right

nos. 37-20639 and 37-20640 is a court decree (WR 37-803) that occurred on 2/23/1951. Water right decree allows for the irrigation of the land in Lots 1, 2, 3, and 4, section 4, and Lot 4, Section 3, all in Township 1 South, Range 19 East, Boise Meridian (the same 82 acres on the Shoestring Ranch as water right license 37-2476) with a flow rate of 2.54 cfs and a priority date of 6/15/1946.

The map in Figure 1 shows an aerial photo from 1964 with gravity irrigation field layout. If the owner were to revert to ditch conveyance and gravity irrigation methods today, then the field layout would be similar. The excess flow analysis assumed a similar field configuration, given the general slope of the land to the southeast. Delivery of the irrigation water to the field would occur by delivery ditch.

The soil present on the site consists of a mixture of four different soils groups: Isknot Gravelly Clay Loam (Soil Group 51), Little Wood Gravelly Loam (Soil Group 64), Little Wood Very Gravelly Loam (Soil Group 66), and Little Wood – Balaam Complex (Soil Group 69). Soils data were obtained from the NRCS web soil survey for Blaine County. The attached spreadsheet shows the average water holding capacity for each soil as estimated by the NRCS. Crop ET data for pasture was taken from Allen and Robison (2007) for the Picabo AgriMet Station.

NRCS soil maps indicate that the soil groups exist in bands across the Shoestring property. It was determined that to accurately model the irrigation of the field, four different fields would be evaluated, given the irrigated area covered by each soil type. Table 1 outlines the input field data used to determine the on-field diversion requirement.

Table 1: Input data for field designation by soil type.

	Field 51	Field 64	Field 66	Field 69
Soil Group	51	64	66	69
Average run length	520 ft	618 ft	547 ft	605 ft
Average field slope ^a	0.006 ft/ft	0.006 ft/ft	0.006 ft/ft	0.006 ft/ft
Field Area	9.5 ac	8.6 ac	46.6 ac	14.4 acres
"Furrow" Spacing	2.5 ft	2.5 ft	2.5 ft	2.5 ft
Crop	Pasture	Pasture	Pasture	Pasture

^a Average field slope was obtained from USGS 7.5 minute quad sheet

An excess flow computer model developed by C.W. Robison of the University of Idaho was then employed to compute the on-field requirements. This program applies the methodology of "Report Regarding Evaluation of Irrigation Diversion Rates" by Hubble Engineering (1991). The program was used to calculate the minimum flow necessary to ensure that (1) the water reached the end of the run, and (2) sufficient water was applied to the end of the run. Several iterations were made to estimate the peak requirement with reasonable model inputs.

Results of the analysis for each field are shown in Table 2. All fields were given a set time of 12 hours. The furrow flow required to fully irrigate the end of the run ranged from 4.0 gpm to 3.0 gpm. The shortest furrow length (Field 51) required the least amount of furrow flow. The peak diversion rates for the combined fields totaled 2.45 cfs or 1.55 inches/acre.

Table 2: Field results for peak flow requirements

	Field 51	Field 64	Field 66	Field 69
Set Time	12 hrs	12 hrs	12 hrs	12 hrs
Furrow Flow	3.0 gpm	4.0 gpm	3.5 gpm	4.0 gpm
Peak Diversion	0.31 cfs	0.24 cfs	1.44 cfs	0.46 cfs
Inches/acre	1.66 in/ac	1.39 in/ac	1.55 in/ac	1.60 in/ac

Water right no. 37-803 was originally decreed to the Shoestring Ranch on 2/23/1951 for 2.54 cfs. Water right transfer no. 69756 split water right no. 37-803 into water right nos. 37-20639 and 37-20640. Water right no. 37-20639 is for irrigation of 79.1 acres with 2.45 cfs. This right covers the peak discharge requirement for on-field application. However, if the water is conveyed by open ditch across the Shoestring Ranch, water right no. 37-20639 will not be sufficient given the conveyance loss through the ditch system. The quantity of seepage loss from an open ditch was calculated using the Worstell method outlined by Hubble Engineering (1991). The Worstell method uses the seepage rate of the soil and the ditch width (to approximate the wetted perimeter) to estimate the seepage loss.

The logical ditch location to irrigate the Shoestring ranch is along Baseline road, which will feed the furrows flowing southeast. A separate seepage loss was calculated for each soil type. Data used for calculating the seepage loss and the results are shown in Table 3.

Table 3: Seepage loss of open ditch conveyance system

	Soil 51	Soil 64	Soil 66	Soil 69
Seepage Rate (ft/day)	12	40	40	40
Length (mi)	0.14	0.12	0.70	0.27
Channel Width (ft)	5	5	5	5
Seepage Loss (cfs)	0.05	0.16	0.94	0.35

The total seepage loss from conveying the water through an open ditch system is approximately 1.50 cfs or 0.95 inches per acre. The combined total flow requirement to irrigate the Shoestring Ranch is 3.95 cfs or 2.50 inches per acre, of which the field requirement is 2.45 cfs and the ditch seepage loss is 1.50 cfs.

Water right no. 37-20637 is allotted 1.58 cfs for irrigation and water right no. 37-20639 is allotted 2.45 cfs for irrigation for a total of 4.03 cfs. Given the strong historical documents of water right decree and water right license and the excess flow analysis results, these two water rights should both be recommended in the SRBA.



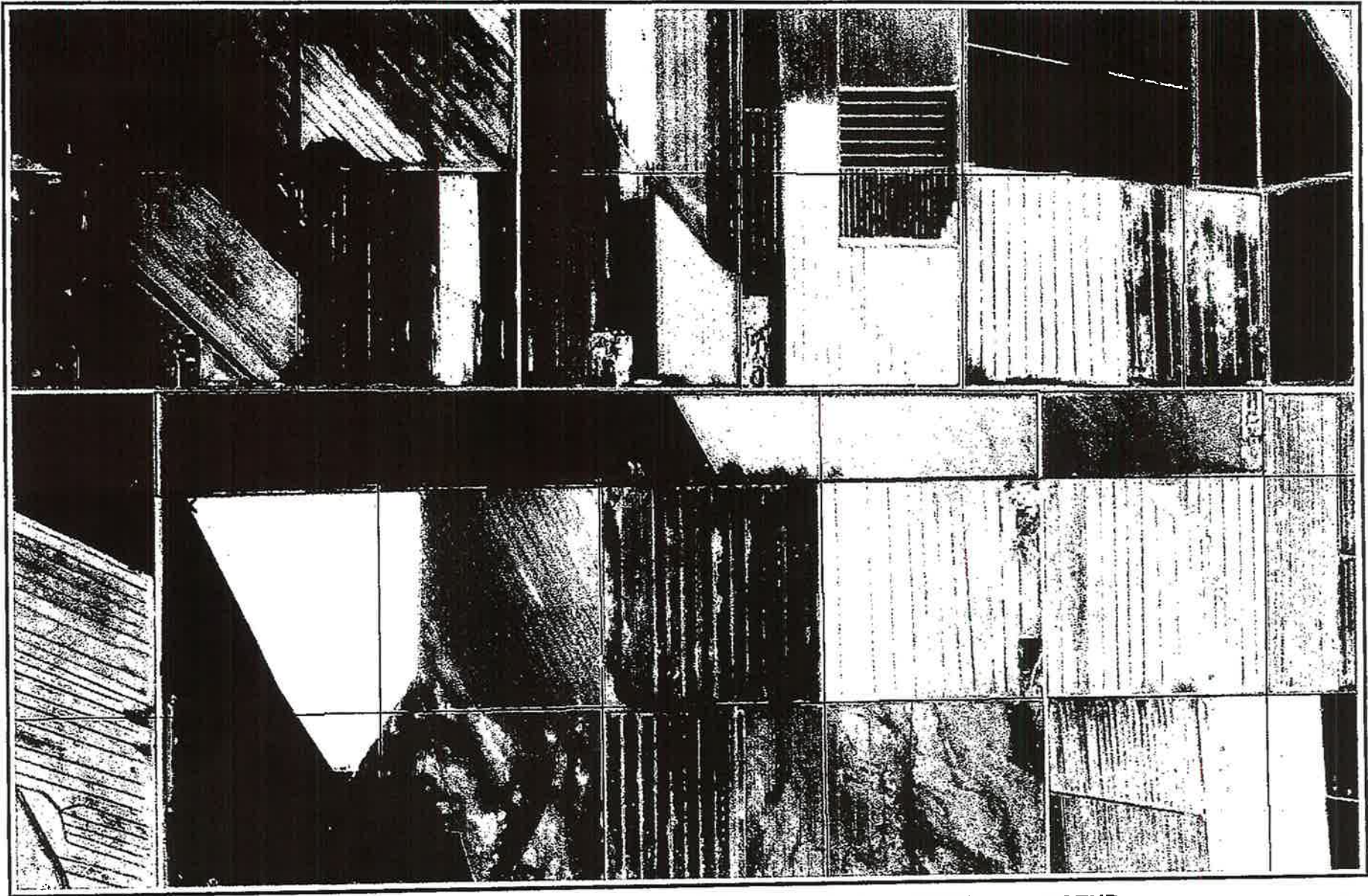


FIGURE 1: O'GARA SHOESTRING RANCH
THOMAS M O'GARA FAMILY TRUST
LOTS 1, 2, 3, 4 SEC 4, LOT 4 SEC 5 T1S R19E
 1964 AERIAL PHOTO

LEGEND
 — SHOESTRING RANCH
 X WR POD
 — SECTION LINES
 — QQ LINES

N

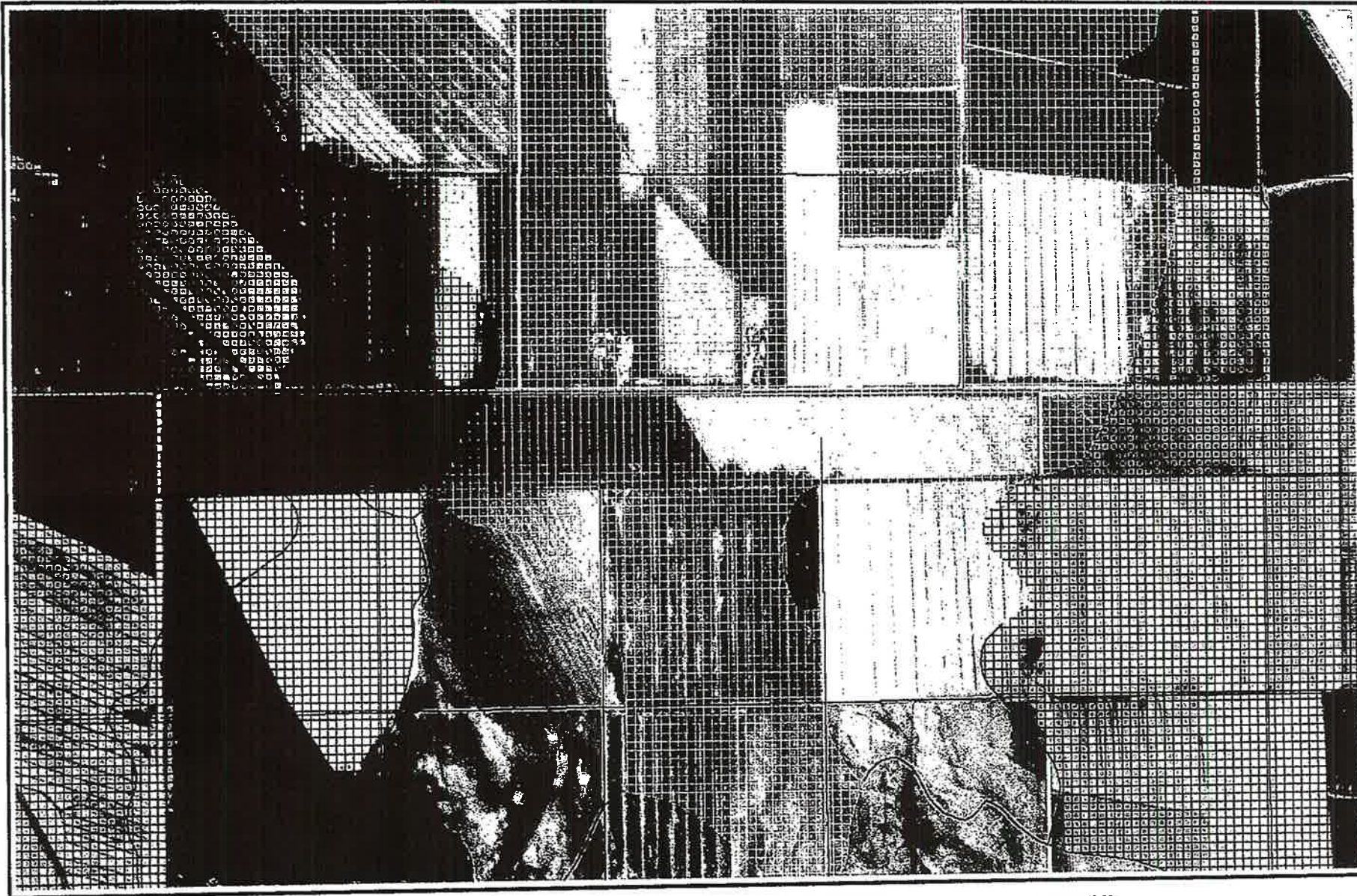


FIGURE 2: NRCS SOILS MAP
THOMAS M O'GARA FAMILY TRUST
LOTS 1, 2, 3, 4 SEC 4, LOT 4 SEC 5 T1S R19E
1964 AERIAL PHOTO

LEGEND

-  SOIL GROUP 51
-  SOIL GROUP 64
-  SOIL GROUP 66
-  SOIL GROUP 69

SOIL WATER HOLDING CAPACITY ESTIMATION

Data from Web Soil Survey of Blaine County Area, Idaho (NRCS, 2009)

Tom O'Gara - Excess Flow Analysis

Data for O'Gara property (Shoestring Ranch) in Sec. 3 and 4, T. 1 S., R. 19 E.

51 - Isknot gravelly clay loam, 0-2% slopes

Depth (inches)		WHC
From	To	(in/in)
0	2	0.185
2	11	0.180
11	26	0.095
26	35	0.090
35	61	0.040

Depth	Field 1 (in/in)
0 - 1'	0.084
1 - 2'	0.095
2 - 3'	0.087
3 - 4'	0.040
4 - 5'	0.040

Depth	Field 1
0 - 1'	1.005
0 - 2'	2.145
0 - 3'	3.185
0 - 4'	3.665
0 - 5'	4.145

64 - Little Wood gravelly loam, 0-2% slopes

Depth (inches)		WHC
From	To	(in/in)
0	13	0.125
13	26	0.110
26	32	0.050
32	61	0.030

Depth	Field 1 (in/in)
0 - 1'	0.125
1 - 2'	0.111
2 - 3'	0.053
3 - 4'	0.030
4 - 5'	0.030

Depth	Field 1
0 - 1'	1.500
0 - 2'	2.835
0 - 3'	3.475
0 - 4'	3.835
0 - 5'	4.195

66 - Little Wood very gravelly loam, 0-2% slopes

Depth (inches)		WHC
From	To	(in/in)
0	10	0.100
10	25	0.110
25	35	0.050
35	61	0.030

Depth	Field 1 (in/in)
0 - 1'	0.102
1 - 2'	0.110
2 - 3'	0.053
3 - 4'	0.030
4 - 5'	0.030

Depth	Field 1
0 - 1'	1.220
0 - 2'	2.540
0 - 3'	3.180
0 - 4'	3.540
0 - 5'	3.900

69 - Little Wood-Balaam complex, 0-2% slopes

Depth (Inches)		WHC
From	To	(in/in)
0	10	0.100
10	25	0.110
25	35	0.050
35	61	0.030

Depth	Field 1 (in/in)
0 - 1'	0.102
1 - 2'	0.110
2 - 3'	0.053
3 - 4'	0.030
4 - 5'	0.030

Depth	Field 1
0 - 1'	1.220
0 - 2'	2.540
0 - 3'	3.180
0 - 4'	3.540
0 - 5'	3.900

OGARA69.OUT

Irrigation Water Requirements Analysis
Version 1.00
2009-06-08 @ 12:07:30

O'Gara Property - Shoestring Ranch - Excess Flow
Brockway Engineering and C.W. Robison
GEP Brockway Engineering

Crop Water Requirements Datafile: newpicabo.cir

Probability Level for Analysis: 80.0
Number of Canal/Lateral Segments: 1
Number of Irrigation Methods: 1
Number of Soil Types: 1
Number of Crops: 1
Number of Analysis Periods: 8

CANAL/LATERAL INFORMATION

#	Name	Upstream Segment	Length miles	Width feet	F-Area sq-ft	Seepage	Method
1	Ditch Seg 1	0	.00	.0	.0	specified S=	.00 cfs/mi

IRRIGATION SYSTEM INFORMATION

Name	Assumed Efficiency	Set Time	Run Flow	Slope-Furrows Length	Width-Others
FURROW 69	48.0	12.	4.0	605.	.006

SOILS INFORMATION

Name	Intake Family	Water Holding Capacity 1ft	2ft	3ft	4ft	5ft
SOIL 69	2.5	1.22	2.54	3.18	3.54	3.90

CROP SYSTEM INFORMATION

Name	Allowable Deficit	Furrow Spacing	Roughness
Pasture	50.0	2.500	.100

Irrigation Water Requirements Analysis
Version 1.00
2009-06-08 @ 12:07:30

O'Gara Property - Shoestring Ranch - Excess Flow
Brockway Engineering and C.W. Robison
GEP Brockway Engineering

Crop	CROP DISTRIBUTION FOR SOIL 69		by Irrigation System
	Total	01	
Pasture	14.4	14.4	

Irrigation System Key
01 - FURROW 69

Project/Farm Irrigation Water Requirement Analysis
Version 1.00

Crop Irrigation Requirements (mm/day)

Datafile: newpicabo.cir

OGARA69.OUT
 O'Gara Property - Shoestring Ranch - Excess Flow
 Brockway Engineering and C.W. Robison
 GEP Brockway Engineering

Peak Consumptive Use based on Peak:Mean(ASWD)
 80.0 Percent Probability Level of CU

	SOIL CATAGORY:		SOIL 69						
Crop	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	
Pasture	.035	.078	.224	.282	.316	.284	.189	.096	

Irrigation Water Requirements Analysis
 Version 1.00
 2009-06-08 @ 12:07:30

O'Gara Property - Shoestring Ranch - Excess Flow
 Brockway Engineering and C.W. Robison
 GEP Brockway Engineering

Irrigation System Analysis FOR SOIL SOIL 69

Irrigation System Efficiency Analysis: FURROW 69
 Furrow Irrigation-> 12.Hours @ 4.0gpm on 605.ft @ .006ft/ft
 CROP

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	---	41.6	41.6	41.6	41.6	41.6	41.6	41.6

Note the following symbol meanings
 @@@ = Water did not reach end of furrow
 * = End-of-Furrow application insufficient

On-Farm Diversion Requirements -- miner inches/ac
 With a 80.0 percent probability level

Based on analysis period irrigation requirement

CROP	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	.000	.227	.919	1.249	1.412	1.256	.780	.340

Based on analysis period peak consumptive use

CROP	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	.000	.396	1.131	1.427	1.596	1.435	.952	.484

Irrigation Water Requirements Analysis
 Version 1.25
 2009-06-08 @ 12:07:30

O'Gara Property - Shoestring Ranch - Excess Flow
 Brockway Engineering and C.W. Robison
 GEP Brockway Engineering

Overall Project On-Farm Diversion Requirement
 With a 80.0% Water Requirement Probability Level

OGARA69.OUT

Based on analysis period irrigation requirement

CROP	Total ac-ft	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	95.	.000	.227	.919	1.249	1.412	1.256	.780	.340
*Entire Project	95.	.000	.227	.919	1.249	1.412	1.256	.780	.340

Based on analysis period peak consumptive use

CROP	Total arces	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	14.	.000	.396	1.131	1.427	1.596	1.435	.952	.484
*Entire Project	14.	.000	.396	1.131	1.427	1.596	1.435	.952	.484

Irrigation Water Requirements Analysis
Version 1.25
2009-06-08 @ 12:07:30

O'Gara Property - Shoestring Ranch - Excess Flow
Brockway Engineering and C.W. Robison
GEP Brockway Engineering

Fraction of Soil Type Area served by Canal/Lateral Segment

Canal\Soil Class	01
Ditch Seg 1	1.000

Table Soil Type Key

01 - SOIL 69

Irrigation Water Requirements Analysis
Version 1.25
2009-06-08 @ 12:07:30

O'Gara Property - Shoestring Ranch - Excess Flow
Brockway Engineering and C.W. Robison
GEP Brockway Engineering

Canal/Lateral Discharge Summary
(cubic feet per second)

Canal/Lateral	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Ditch Seg 1	****	Seepage Rate:	.00 cfs/mi or	.00 cfs	****			

Based on analysis period irrigation requirement

DS Delivery	.0	.0	.0	.0	.0	.0	.0	.0
On-Farm Div.	.0	.1	.3	.4	.4	.4	.2	.1
Seepage Loss	.0	.0	.0	.0	.0	.0	.0	.0
US Div. Req.	.0	.1	.3	.4	.4	.4	.2	.1

OGARA69.OUT
Based on analysis period peak consumptive use

DS Delivery	.0	.0	.0	.0	.0	.0	.0	.0
On-Farm Div.	.0	.1	.3	.4	.5	.4	.3	.1
Seepage Loss	.0	.0	.0	.0	.0	.0	.0	.0
US Div. Req.	.0	.1	.3	.4	.5	.4	.3	.1

Irrigation Water Requirements Analysis
Version 1.25
2009-06-08 @ 12:07:30

O'Gara Property - Shoestring Ranch - Excess Flow
Brockway Engineering and C.W. Robison
GEP Brockway Engineering

PROJECT IRRIGATION DIVERSION REQUIREMENTS
SUMMARY

Total Irrigated Area: 14.40 acres

Based on analysis period irrigation requirement

Max Project Diversion: .41 cfs(1.413 mi/ac)

Based on analysis period peak consumptive use

Peak Project Diversion: .46 cfs(1.597 mi/ac)

OGARA66.OUT

Irrigation Water Requirements Analysis
Version 1.00
2009-06-08 @ 11:56:11

O'Gara Property - Shoestring Ranch - Excess Flow
Brockway Engineering and C.W. Robison
GEP Brockway Engineering

Crop Water Requirements Datafile: newpicabo.cir

Probability Level for Analysis: 80.0
Number of Canal/Lateral Segments: 1
Number of Irrigation Methods: 1
Number of Soil Types: 1
Number of Crops: 1
Number of Analysis Periods: 8

CANAL/LATERAL INFORMATION

#	Name	Upstream Segment	Length miles	Width feet	F-Area sq-ft	Seepage	Method
1	Ditch Seg 1	0	.00	.0	.0	Specified S=	.00 cfs/mi

IRRIGATION SYSTEM INFORMATION

Name	Assumed Efficiency	Set Time	Run Flow	Length	Slope-Furrows width-Others
FURROW 66	48.0	12.	3.5	547.	.006

SOILS INFORMATION

Name	Intake Family	Water 1ft	Holding 2ft	Capacity 3ft	4ft	5ft
SOIL 66	2.5	1.22	2.54	3.18	3.54	3.90

CROP SYSTEM INFORMATION

Name	Allowable Deficit	Furrow Spacing	Roughness
Pasture	50.0	2.500	.100

□

Irrigation Water Requirements Analysis
Version 1.00
2009-06-08 @ 11:56:11

O'Gara Property - Shoestring Ranch - Excess Flow
Brockway Engineering and C.W. Robison
GEP Brockway Engineering

Crop	CROP DISTRIBUTION FOR SOIL 66		by Irrigation System
	Total	01	
Pasture	46.6	46.6	

Irrigation System Key
01 - FURROW 66

□

Project/Farm Irrigation Water Requirement Analysis
Version 1.00

Crop Irrigation Requirements (mm/day)

DataFile: newpicabo.cir

Title: Picabo - AgriMet - Consumptive Use from Allen and Robison (2007)

	Total	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
				Pasture					
Root Depth	.0	.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Mean CU	873.0	.62	1.29	4.28	5.68	6.56	6.01	3.94	1.53
Mean IR	765.0	.27	.63	3.02	5.00	6.26	5.76	3.55	1.08
Std Dev CU	76.0	.16	.56	.89	.79	.64	.44	.35	.74
Std Dev IR	100.0	.31	.61	1.90	1.52	1.00	.66	.44	.75

Crop Requirements (in/day)
Crop Rooting Depths (ft)

Adjusted Crop Water Requirements for 80.0% probability level									
Total	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	

				Pasture					
---CU---	36.9	.030	.069	.198	.250	.279	.251	.167	.085
---IR---	33.4	.021	.045	.182	.247	.280	.249	.154	.067
Root Depth		.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0

App.Depth(in)	.61	1.06	1.51	2.12	2.73	3.63	4.54	5.60	6.36
	6.96	7.57	.00						
Peak:Average	1.154	1.138	1.123	1.108	1.092	1.077	1.061	1.046	1.038
	1.031	1.023	.000						

O'Gara Property - Shoestring Ranch - Excess Flow
Brockway Engineering and C.W. Robison
GEP Brockway Engineering

Allowable Soil Water Deficit -- inches
80.0 Percent Probability Level of IR

	SOIL CATAGORY:		SOIL 66					
Crop	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	.00	1.27	1.27	1.27	1.27	1.27	1.27	1.27

Page 2

OGARA66.OUT
 O'Gara Property - Shoestring Ranch - Excess Flow
 Brockway Engineering and C.W. Robison
 GEP Brockway Engineering

Peak Consumptive Use based on Peak:Mean(ASWD)
 80.0 Percent Probability Level of CU

SOIL CATAGORY: SOIL 66

Crop	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	.035	.078	.224	.282	.316	.284	.189	.096

Irrigation Water Requirements Analysis
 Version 1.00
 2009-06-08 @ 11:56:11

O'Gara Property - Shoestring Ranch - Excess Flow
 Brockway Engineering and C.W. Robison
 GEP Brockway Engineering

Irrigation System Analysis FOR SOIL SOIL 66

Irrigation System Efficiency Analysis: FURROW 66
 Furrow Irrigation-> 12.Hours @ 3.5gpm on 547.ft @ .006ft/ft

CROP	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	---	43.0	43.0	43.0	43.0	43.0	43.0	43.0

Note the following symbol meanings
 @@@ = Water did not reach end of furrow
 * = End-of-Furrow application insufficient

On-Farm Diversion Requirements -- miner inches/ac
 With a 80.0 percent probability level

Based on analysis period irrigation requirement

CROP	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	.000	.220	.889	1.208	1.367	1.215	.754	.329

Based on analysis period peak consumptive use

CROP	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	.000	.383	1.094	1.381	1.545	1.388	.921	.468

Irrigation Water Requirements Analysis
 Version 1.25
 2009-06-08 @ 11:56:11

O'Gara Property - Shoestring Ranch - Excess Flow
 Brockway Engineering and C.W. Robison
 GEP Brockway Engineering

Overall Project On-Farm Diversion Requirement
 With a 80.0% Water Requirement Probability Level

OGARA66.OUT

Based on analysis period irrigation requirement

CROP	Total ac-ft	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	297.	.000	.220	.889	1.208	1.367	1.215	.754	.329
*Entire Project	297.	.000	.220	.889	1.208	1.367	1.215	.754	.329

Based on analysis period peak consumptive use

CROP	Total arces	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	47.	.000	.383	1.094	1.381	1.545	1.388	.921	.468
*Entire Project	47.	.000	.383	1.094	1.381	1.545	1.388	.921	.468

Irrigation Water Requirements Analysis

Version 1.25

2009-06-08 @ 11:56:11

O'Gara Property - Shoestring Ranch - Excess Flow

Brockway Engineering and C.W. Robison

GEP Brockway Engineering

Fraction of Soil Type Area served by Canal/Lateral Segment

Canal\Soil Class 01
Ditch Seg 1 1.000

Table Soil Type Key

01 - SOIL 66

Irrigation Water Requirements Analysis

Version 1.25

2009-06-08 @ 11:56:11

O'Gara Property - Shoestring Ranch - Excess Flow

Brockway Engineering and C.W. Robison

GEP Brockway Engineering

Canal/Lateral Discharge Summary
(cubic feet per second)

Canal/Lateral	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Ditch Seg 1	**** Seepage Rate: .00 cfs/mi or .00 cfs ****							

Based on analysis period irrigation requirement

DS Delivery	.0	.0	.0	.0	.0	.0	.0	.0
On-Farm Div.	.0	.2	.8	1.1	1.3	1.1	.7	.3
Seepage Loss	.0	.0	.0	.0	.0	.0	.0	.0
US Div. Req.	.0	.2	.8	1.1	1.3	1.1	.7	.3

OGARA66.OUT

Based on analysis period peak consumptive use

DS Delivery	.0	.0	.0	.0	.0	.0	.0	.0
On-Farm Div.	.0	.4	1.0	1.3	1.4	1.3	.9	.4
Seepage Loss	.0	.0	.0	.0	.0	.0	.0	.0
US Div. Req.	.0	.4	1.0	1.3	1.4	1.3	.9	.4

0

Irrigation Water Requirements Analysis

Version 1.25

2009-06-08 @ 11:56:11

O'Gara Property - Shoestring Ranch - Excess Flow
Brockway Engineering and C.W. Robison
GEP Brockway Engineering

PROJECT IRRIGATION DIVERSION REQUIREMENTS
SUMMARY

Total Irrigated Area: 46.60 acres

Based on analysis period irrigation requirement

Max Project Diversion: 1.27 cfs(1.367 mi/ac)

Based on analysis period peak consumptive use

Peak Project Diversion: 1.44 cfs(1.545 mi/ac)

OGARA64.OUT

Irrigation Water Requirements Analysis
Version 1.00
2009-06-08 @ 11:46:04

O'Gara Property - Shoestring Ranch - Excess Flow
Brockway Engineering and C.W. Robison
GEP Brockway Engineering

Crop Water Requirements Datafile: newpicabo.cir

Probability Level for Analysis: 80.0
Number of Canal/Lateral Segments: 1
Number of Irrigation Methods: 1
Number of Soil Types: 1
Number of Crops: 1
Number of Analysis Periods: 8

CANAL/LATERAL INFORMATION

#	Name	Upstream Segment	Length miles	Width feet	F-Area sq-ft	Seepage Method
1	Ditch Seg 1	0	.00	.0	.0	Specified S= .00 cfs/mi

IRRIGATION SYSTEM INFORMATION

Name	Assumed Efficiency	Set Time	Flow	Run Length	Slope-Furrows Width-Others
FURROW 64	48.0	12.	4.0	618.	.006

SOILS INFORMATION

Name	Intake Family	Water 1ft	Holding 2ft	Capacity 3ft	4ft	5ft
SOIL 64	2.5	1.50	2.84	3.48	3.84	4.20

CROP SYSTEM INFORMATION

Name	Allowable Deficit	Furrow Spacing	Roughness
Pasture	50.0	2.500	.100

□

Irrigation Water Requirements Analysis
Version 1.00
2009-06-08 @ 11:46:04

O'Gara Property - Shoestring Ranch - Excess Flow
Brockway Engineering and C.W. Robison
GEP Brockway Engineering

Crop	CROP DISTRIBUTION FOR SOIL 64		by Irrigation System
	Total	01	
Pasture	8.6	8.6	

Irrigation System Key
01 - FURROW 64

□

Project/Farm Irrigation Water Requirement Analysis
Version 1.00

Crop Irrigation Requirements (mm/day)

Datafile: newpicabo.cir

OGARA64.OUT

Title: Picabo - AgriMet - Consumptive Use from Allen and Robison (2007)

INPUT DATA

	Total	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture									
Root Depth	.0	.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Mean CU	873.0	.62	1.29	4.28	5.68	6.56	6.01	3.94	1.53
Mean IR	765.0	.27	.63	3.02	5.00	6.26	5.76	3.55	1.08
Std Dev CU	76.0	.16	.56	.89	.79	.64	.44	.35	.74
Std Dev IR	100.0	.31	.61	1.90	1.52	1.00	.66	.44	.75

Project/Farm Irrigation Water Requirement Analysis
Version 1.00

Crop Requirements (in/day)
Crop Rooting Depths (ft)

BASED ON NORMAL DISTRIBUTION

	Total	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Adjusted Crop Water Requirements for 80.0% probability level									
Pasture									
---CU---	36.9	.030	.069	.198	.250	.279	.251	.167	.085
---IR---	33.4	.021	.045	.182	.247	.280	.249	.154	.067
Root Depth		.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0

CU Peak to Ave Ratio vs Application Depth Curve (12 pts)

App.Depth(in)	.61	1.06	1.51	2.12	2.73	3.63	4.54	5.60	6.36
Peak:Average	1.154	1.138	1.123	1.108	1.092	1.077	1.061	1.046	1.038
	1.031	1.023	.000						

Irrigation Water Requirements Analysis
Version 1.00
2009-06-08 @ 11:46:04

O'Gara Property - Shoestring Ranch - Excess Flow
Brockway Engineering and C.W. Robison
GEP Brockway Engineering

Allowable Soil Water Deficit -- inches
80.0 Percent Probability Level of IR

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Crop								
Pasture	.00	1.42	1.42	1.42	1.42	1.42	1.42	1.42

Irrigation Water Requirements Analysis
Version 1.00
2009-06-08 @ 11:46:04

OGARA64.OUT
 O'Gara Property - Shoestring Ranch - Excess Flow
 Brockway Engineering and C.W. Robison
 GEP Brockway Engineering

Peak Consumptive Use based on Peak:Mean(ASWD)
 80.0 Percent Probability Level of CU

Crop	SOIL CATAGORY: SOIL 64							
	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	.035	.078	.223	.281	.315	.283	.188	.095

Irrigation Water Requirements Analysis
 Version 1.00
 2009-06-08 @ 11:46:04

O'Gara Property - Shoestring Ranch - Excess Flow
 Brockway Engineering and C.W. Robison
 GEP Brockway Engineering

Irrigation System Analysis FOR SOIL SOIL 64

Irrigation System Efficiency Analysis: FURROW 64
 Furrow Irrigation-> 12.Hours @ 4.0gpm on 618.ft @ .006ft/ft
 CROP

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	---	47.5	47.5	47.5	47.5	47.5	47.5	47.5

Note the following symbol meanings
 @@@ = water did not reach end of furrow
 * = End-of-Furrow application insufficient

On-Farm Diversion Requirements -- miner inches/ac
 with a 80.0 percent probability level

Based on analysis period irrigation requirement

CROP	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	.000	.199	.804	1.093	1.236	1.100	.683	.298

Based on analysis period peak consumptive use

CROP	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	.000	.345	.986	1.244	1.391	1.251	.830	.422

Irrigation Water Requirements Analysis
 Version 1.25
 2009-06-08 @ 11:46:04

O'Gara Property - Shoestring Ranch - Excess Flow
 Brockway Engineering and C.W. Robison
 GEP Brockway Engineering

Overall Project On-Farm Diversion Requirement
 With a 80.0% Water Requirement Probability Level

OGARA64.OUT

Based on analysis period irrigation requirement

CROP	Total ac-ft	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	50.	.000	.199	.804	1.093	1.236	1.100	.683	.298
*Entire Project	50.	.000	.199	.804	1.093	1.236	1.100	.683	.298

Based on analysis period peak consumptive use

CROP	Total arces	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	9.	.000	.345	.986	1.244	1.391	1.251	.830	.422
*Entire Project	9.	.000	.345	.986	1.244	1.391	1.251	.830	.422

Irrigation Water Requirements Analysis

Version 1.25

2009-06-08 @ 11:46:04

O'Gara Property - Shoestring Ranch - Excess Flow
Brockway Engineering and C.W. Robison
GEP Brockway Engineering

Fraction of Soil Type Area served by Canal/Lateral Segment

Canal\Soil Class 01
Ditch Seg 1 1.000

Table Soil Type Key

01 - SOIL 64

Irrigation Water Requirements Analysis

Version 1.25

2009-06-08 @ 11:46:04

O'Gara Property - Shoestring Ranch - Excess Flow
Brockway Engineering and C.W. Robison
GEP Brockway Engineering

Canal/Lateral Discharge Summary
(cubic feet per second)

Canal/Lateral	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Ditch Seg 1	**** Seepage Rate: .00 cfs/mi or .00 cfs ****							

Based on analysis period irrigation requirement

DS Delivery	.0	.0	.0	.0	.0	.0	.0	.0
On-Farm Div.	.0	.0	.1	.2	.2	.2	.1	.1
Seepage Loss	.0	.0	.0	.0	.0	.0	.0	.0
US Div. Req.	.0	.0	.1	.2	.2	.2	.1	.1

OGARA64.OUT

Based on analysis period peak consumptive use

DS Delivery	.0	.0	.0	.0	.0	.0	.0	.0
On-Farm Div.	.0	.1	.2	.2	.2	.2	.1	.1
Seepage Loss	.0	.0	.0	.0	.0	.0	.0	.0
US Div. Req.	.0	.1	.2	.2	.2	.2	.1	.1

0

Irrigation Water Requirements Analysis

Version 1.25

2009-06-08 @ 11:46:04

O'Gara Property - Shoestring Ranch - Excess Flow
Brockway Engineering and C.W. Robison
GEP Brockway Engineering

PROJECT IRRIGATION DIVERSION REQUIREMENTS
SUMMARY

Total Irrigated Area: 8.59 acres

Based on analysis period irrigation requirement

Max Project Diversion: .21 cfs(1.237 mi/ac)

Based on analysis period peak consumptive use

Peak Project Diversion: .24 cfs(1.392 mi/ac)

OGARA51.OUT

Irrigation Water Requirements Analysis
Version 1.00
2009-06-09 @ 11:36:47

O'Gara Property - Shoestring Ranch - Excess Flow
Brockway Engineering and C.W. Robison
GEP Brockway Engineering

Crop Water Requirements Datafile: newpicabo.cir

Probability Level for Analysis: 80.0
Number of Canal/Lateral Segments: 1
Number of Irrigation Methods: 1
Number of Soil Types: 1
Number of Crops: 1
Number of Analysis Periods: 8

CANAL/LATERAL INFORMATION

#	Name	Upstream Segment	Length miles	Width feet	F-Area sq-ft	Seepage Method
1	Ditch seg 1	0	.00	.0	.0	Specified S= .00 cfs/mi

IRRIGATION SYSTEM INFORMATION

Name	Assumed Efficiency	Set Time	Flow	Run Length	Slope-Furrows Width-Others
FURROW 51	48.0	12.	3.0	520.	.006

SOILS INFORMATION

Name	Intake Family	Water 1ft	Holding 2ft	Capacity 3ft	4ft	5ft
SOIL 51	2.5	1.01	2.15	3.19	3.67	4.15

CROP SYSTEM INFORMATION

Name	Allowable Deficit	Furrow Spacing	Roughness
Pasture	50.0	2.500	.100

□

Irrigation Water Requirements Analysis
Version 1.00
2009-06-09 @ 11:36:47

O'Gara Property - Shoestring Ranch - Excess Flow
Brockway Engineering and C.W. Robison
GEP Brockway Engineering

Crop	CROP DISTRIBUTION FOR SOIL 51		by Irrigation System
	Total	01	
Pasture	9.5	9.5	

Irrigation System Key
01 - FURROW 51

□

Project/Farm Irrigation Water Requirement Analysis
Version 1.00

Crop Irrigation Requirements (mm/day)

Datafile: newpicabo.cir

OGARA51.OUT

Title: Picabo - AgriMet - Consumptive Use from Allen and Robison (2007)

INPUT DATA

	Total	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
				Pasture					
Root Depth	.0	.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Mean CU	873.0	.62	1.29	4.28	5.68	6.56	6.01	3.94	1.53
Mean IR	765.0	.27	.63	3.02	5.00	6.26	5.76	3.55	1.08
Std Dev CU	76.0	.16	.56	.89	.79	.64	.44	.35	.74
Std Dev IR	100.0	.31	.61	1.90	1.52	1.00	.66	.44	.75

Project/Farm Irrigation Water Requirement Analysis
Version 1.00

Crop Requirements (in/day)
Crop Rooting Depths (ft)

BASED ON NORMAL DISTRIBUTION

Adjusted Crop Water Requirements for 80.0% probability level

	Total	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
				Pasture					
---CU---	36.9	.030	.069	.198	.250	.279	.251	.167	.085
---IR---	33.4	.021	.045	.182	.247	.280	.249	.154	.067
Root Depth		.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0

CU Peak to Ave Ratio vs Application Depth Curve (12 pts)

App.Depth(in)	.61	1.06	1.51	2.12	2.73	3.63	4.54	5.60	6.36
	6.96	7.57	.00						
Peak:Average	1.154	1.138	1.123	1.108	1.092	1.077	1.061	1.046	1.038
	1.031	1.023	.000						

Irrigation Water Requirements Analysis
Version 1.00

2009-06-09 @ 11:36:47

O'Gara Property - Shoestring Ranch - Excess Flow
Brockway Engineering and C.W. Robison
GEP Brockway Engineering

Allowable Soil Water Deficit -- inches
80.0 Percent Probability Level of IR

SOIL CATEGORY: SOIL 51

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Crop								
Pasture	.00	1.08	1.08	1.08	1.08	1.08	1.08	1.08

Irrigation Water Requirements Analysis
Version 1.00

2009-06-09 @ 11:36:47

OGARA51.OUT

O'Gara Property - Shoestring Ranch - Excess Flow
 Brockway Engineering and C.W. Robison
 GEP Brockway Engineering

Peak Consumptive Use based on Peak:Mean(ASWD)
 80.0 Percent Probability Level of CU

SOIL CATEGORY: SOIL 51

Crop	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	.035	.079	.225	.284	.318	.286	.190	.096

Irrigation Water Requirements Analysis
 Version 1.00
 2009-06-09 @ 11:36:47

O'Gara Property - Shoestring Ranch - Excess Flow
 Brockway Engineering and C.W. Robison
 GEP Brockway Engineering

Irrigation System Analysis FOR SOIL SOIL 51

Irrigation System Efficiency Analysis: FURROW 51
 Furrow Irrigation-> 12.Hours @ 3.0gpm on 520.ft @ .006ft/ft

CROP	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	---	40.3	40.3	40.3	40.3	40.3	40.3	40.3

Note the following symbol meanings
 @@@ = Water did not reach end of furrow
 * = End-of-Furrow application insufficient

On-Farm Diversion Requirements -- minor inches/ac
 With a 80.0 percent probability level

Based on analysis period irrigation requirement

CROP	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	.000	.234	.947	1.287	1.456	1.295	.804	.351

Based on analysis period peak consumptive use

CROP	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	.000	.411	1.173	1.479	1.655	1.488	.987	.502

Irrigation Water Requirements Analysis
 Version 1.25
 2009-06-09 @ 11:36:47

O'Gara Property - Shoestring Ranch - Excess Flow
 Brockway Engineering and C.W. Robison
 GEP Brockway Engineering

Overall Project On-Farm Diversion Requirement
 With a 80.0% Water Requirement Probability Level

OGARA51.OUT

Based on analysis period irrigation requirement

CROP	Total ac-ft	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	65.	.000	.234	.947	1.287	1.456	1.295	.804	.351
*Entire Project	65.	.000	.234	.947	1.287	1.456	1.295	.804	.351

Based on analysis period peak consumptive use

CROP	Total arces	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Pasture	10.	.000	.411	1.173	1.479	1.655	1.488	.987	.502
*Entire Project	10.	.000	.411	1.173	1.479	1.655	1.488	.987	.502

Irrigation Water Requirements Analysis
Version 1.25
2009-06-09 @ 11:36:47

O'Gara Property - Shoestring Ranch - Excess Flow
Brockway Engineering and C.W. Robison
GEP Brockway Engineering

Fraction of Soil Type Area served by Canal/Lateral Segment

Canal\Soil Class 01
Ditch Seg 1 1.000

Table Soil Type Key

01 - SOIL 51

Irrigation Water Requirements Analysis
Version 1.25
2009-06-09 @ 11:36:47

O'Gara Property - Shoestring Ranch - Excess Flow
Brockway Engineering and C.W. Robison
GEP Brockway Engineering

Canal/Lateral Discharge Summary
(cubic feet per second)

Canal/Lateral	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Ditch Seg 1	**** Seepage Rate: .00 cfs/mi or .00 cfs ****							

Based on analysis period irrigation requirement

DS Delivery	.0	.0	.0	.0	.0	.0	.0	.0
On-Farm Div.	.0	.0	.2	.2	.3	.2	.2	.1
Seepage Loss	.0	.0	.0	.0	.0	.0	.0	.0
US Div. Req.	.0	.0	.2	.2	.3	.2	.2	.1

OGARA51.OUT

Based on analysis period peak consumptive use

DS Delivery	.0	.0	.0	.0	.0	.0	.0	.0
On-Farm Div.	.0	.1	.2	.3	.3	.3	.2	.1
Seepage Loss	.0	.0	.0	.0	.0	.0	.0	.0
US Div. Req.	.0	.1	.2	.3	.3	.3	.2	.1

□

Irrigation Water Requirements Analysis

Version 1.25

2009-06-09 @ 11:36:47

O'Gara Property - Shoestring Ranch - Excess Flow
Brockway Engineering and C.W. Robison
GEP Brockway Engineering

PROJECT IRRIGATION DIVERSION REQUIREMENTS
SUMMARY

Total Irrigated Area: 9.50 acres

Based on analysis period irrigation requirement

Max Project Diversion: .28 cfs(1.456 mi/ac)

Based on analysis period peak consumptive use

Peak Project Diversion: .31 cfs(1.656 mi/ac)

Analysis of the relationship between 37-803 and 37-2476

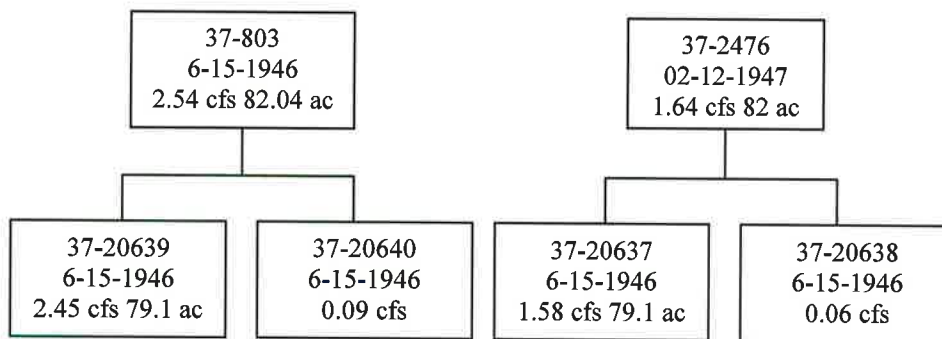
37-2476 split into 37-20637 AND 37-20638

(37-2476 – old number 20049)

37-803 split into 37-20639 AND 37-20640

It is clear that 37-803 was based upon permit 20049 (renumbered to 37-2476). In the Old decrees backfile for 37-5W pages 3 thru 5 (attached) the department provided information associated with all of the systems involved in the decree Clover Land and Livestock Co vs C.E. Allred and Jennie Allred etal. Rights ultimately decreed are Nos. 37-800 through 37-804. This letter was requested by the court in an effort to establish actual values to be associated with acreage and/or diversion capacities for the systems in question. The report specifically identifies 20049 and the elements associated with that system. Much of that report was the basis for the decreed elements.

The only issue that I see is that on October 9, 1987 the department approved Transfer 3363 that added a point of diversion to both 37-803 and 37-2476. I wouldn't think that if the decree was based upon the permit 20049 that the 1987 transfer would then establish 37-2476 as a second right from the same original system. At the very least when combined they should be limited to 2.45 cfs for one system and 0.09 cfs for the second system.



March 30, 1951

For A5 file 37-206394
20638

Permit 20049
renumbered to 37-2476

Honorable N. H. Sutphen
District Judge
Gooding, Idaho

In re: Clover Land & Livestock Company
vs. Allred et al -- Blaine County.

Dear Judge Sutphen:

We have reviewed the proposed stipulation in the above cited case and find that Permit No. 20049 was issued to Clarence Allred with a filing date of February 12, 1947, for 4 cubic feet per second of subterranean water for the supplemental irrigation of 82 1/2 acres of land.

Section 42-308, Idaho Code, limits authorization of 1 cubic foot per second to each 80 acres of land to be irrigated, unless it can be shown to the satisfaction of the Department of Reclamation that a greater amount is necessary. Affidavits were furnished to the effect that more than one inch to the acre was necessary and also to show that existing water rights were inadequate and of little value late in the season on account of some rights being cut and deliveries under other rights depleted by excessive canal losses.

The department left the duty of water open until a determination could be made and issued the permit for 4 cubic feet per second. Apparently the Court in the Frost Decree was not satisfied that an amount greatly in excess of one inch per acre was necessary as 8 1/2 inches from Good River was decreed with an 1888 priority. However, the Allred lands are porous and under local irrigation practices could not raise a full crop with one inch per acre.

Proofs were offered under Permit No. 20049 and show a little more than 80 acres irrigated with flows varying from 100 to 200 inches starting with the irrigation season of 1946. Our inspector measured the flow at 119.6 miners inches on July 27, 1950, but is satisfied that with a higher water level, more could have been delivered by the same pumping equipment but it is doubtful if the 3.3 cubic feet per second stipulated amount has ever been put to beneficial use.

Application for permit stated that a well had already been drilled but was to be enlarged and deepened. This has been done.

Pc Does Backfile
37-A5-W
Pgs 3-5

Permit
20049
aka
37-2476

20049

37-2476

Honorable D. H. Satchen
March 30, 1931
Page 2.

Permit No. 20180 was issued to Walter Brown for 4 cubic feet per second for the irrigation of 105.86 acres, with a priority of July 9, 1947. The permit was issued with the stipulation that the duty of water was to be determined. Affidavits were furnished as to the need for more than one inch per acre and the inadequacy of existing rights.

Proofs of beneficial use state that the well was first used in 1947.

Measurement made August 31, 1930, showed 115 miners inches delivery by pumping installation, but may have been larger at some time during the season.

Permit No. 21076 was issued to Alva and L. Keith Rhodes for 8 cubic feet per second for 396 acres, with priority of February 26, 1949. Application stated that an established well was rehabilitated in 1948. No proofs of beneficial use have been made but proof of completion of works was offered and a measurement was made on August 30, 1930 of 4.14 cubic feet per second, but more may have been pumped with a higher water level some time in the season.

The water supply for the Allred, Brown, Rhodes and Clover Land and Livestock Company wells is supposed to be the supply that feeds Silver Creek and if the water is used in the immediate area the depletion will be the amount evaporated and transpired, or what is called the consumptive use by irrigation. Consumptive use on lands in question may be from 1 to 2 acre feet per year per acre of land irrigated. All the rest of the water applied will be returned to the ground water supply and presumably will reach Silver Creek.

Spreading the water over more land than is now irrigated will increase the total consumptive use and deplete the ground water supply to a greater extent.

The proposed stipulation and the evidence outlined in your letter of February 27, are consistent with our records except for the amount of water actually put to beneficial use.

The Allred well and pumping plant produced 2.71 cubic feet per second on July 27, 1930 and allowing 10%, may have produced 2.98 cubic feet per second at some time. We have not determined what the Department of Reclamation would have allowed in inches per acre, but 2.98 cubic feet per second, or 127 inches for 84.3 acres would be at the rate of $1\frac{1}{2}$ inches per acre.

The Brown well and pumping plant produced 2.57 cubic feet per second on August 31, 1930, and allowing 10%, may have produced 2.83 cubic feet per second at some time. 2.83 cubic feet per second or 131 inches for 106 acres would be at the rate of a little less than $1\frac{1}{2}$ inches per acre.

37-2476
Basis of
Deerced
Rate

Honorable D. H. Stephen,
District Judge.
March 30, 1931
Page 3.

The Rhodes well and pumping plant produced 4.14 cubic feet per second on August 30, 1930, which is more than asked for in the stipulation. Our records show that Rhodes was irrigating 300 acres from the well on August 30, 1930. The stipulated amount of 4 cubic feet per second would be at the rate of one inch per acre.

We have no data on the Clover Land and Livestock Company well but evidence offered shows 276 acres irrigated. We also have information which indicates that there is some Silver Creek water appurtenant to the Clover Land and Livestock lands.

The Gardner testimony regarding the Byron-Jackson pump with a rated capacity of 2700 gallons per minute which equals 300 miners inches or 6 cubic feet per second under a 20 foot head, would not overload a 25 horsepower motor at a reasonable overall efficiency and it seems probable that it could easily deliver the 4 cubic feet per second asked for. An accurate measurement would be desirable and conclusive. Five cubic feet per second or 250 inches for 276 acres would be less than one inch per acre.

In view of the probability that the ground water being used is tributary to Silver Creek and that the decreed water from the Big Wood River appurtenant to the Allied, Brown and Rhodes lands helps to supply this ground water, it is recommended that Allied be allowed 2.54 cubic feet per second, Brown 2.61 cubic feet per second, and Rhodes 4 cubic feet per second with appropriate priorities, conditioned on the stipulation that it is supplementary to the Big Wood River decreed water; that the Big Wood River decreed water continue to be used when available; that the ground water be made appurtenant to and non-transferable from the stipulated acreage.

We further recommend that the Clover Land and Livestock Company be allowed the decreed amount that can be produced by the well and pumping plant at its maximum production during the irrigation season and that it be supplemental to decreed rights and appurtenant to the lands described in the stipulation and non-transferable.

The Department of Reclamation will be available at the call of the Court to make a measurement of the Clover Land and Livestock Company pump.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MMK:hh

Rate
Recommendation
37-2476

RECEIVED

①

118-5
37-A5-W
✓

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE.

CLOVER LAND AND LIVESTOCK COMPANY,
a corporation,

Plaintiff,

-VS-

C. E. ALLRED and JENNIE ALLRED,
husband and wife; MRS. WALTER BROWN,
a widow; ALVA RHODES and IDA RHODES,
husband and wife,

Defendants.

D E C R E E

The above entitled case came on for hearing before D. H. Sutphen, Judge of the District Court of the Fourth Judicial District, in chambers at Gooding, Idaho, the 23rd day of February, 1951, upon the complaint of plaintiff and the cross-complainant of the defendants, plaintiff appearing by C. W. Gardner, its manager, and John H. Daly of the firm of Parry, Keenan, Robertson & Daly, its attorneys, and the defendants appearing in person and by Chas. C. Shaw of the firm of James, Shaw & James, their attorneys, and evidence having been offered and received on behalf of plaintiff and support of its complaint, and on behalf of defendants and in support of their cross-complaint and a stipulation of facts executed by all parties having been introduced in evidence, and the cause having been taken under advisement by the Court, and then by the Court set for further hearing April 30, 1951, and at which latter time before said Judge in chambers at Gooding, Idaho, the same parties appearing, excepting that the defendants Allred and Brown appeared by counsel only, and additional testimony having been taken and documentary evidence introduced and admitted, and all the evidence being by the Court understood and duly considered, and the Court having made and filed its findings of fact and conclusions of law constituting its decision herein, it is by the Court;

PARRY, KEENAN, ROBERTSON & DALY
LAWYERS
TWIN FALLS, IDAHO

Pc Docs Backfile
37-A5-W
Pg 8-11

ORDERED, ADJUDGED AND DECREED:

37 0800

(1). That there is hereby adjudged and decreed to defendants and cross-complainants Alva Rhodes and Ida Rhodes, husband and wife, for the irrigation of and domestic purposes on those lands in Blaine County, Idaho, described as follows:

Fr. SE $\frac{1}{4}$ SE $\frac{1}{4}$ being Tax No. 1670, Section 3; Fr. SE $\frac{1}{4}$ NW $\frac{1}{4}$ being Tax No. 3, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Fr. NW $\frac{1}{4}$ SW $\frac{1}{4}$ being Tax No. 167, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2; and Fr. NE $\frac{1}{4}$ NE $\frac{1}{4}$ being Tax No. 1717, E $\frac{1}{2}$ of SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ of NE $\frac{1}{4}$ SE $\frac{1}{4}$, and Fr. NW $\frac{1}{4}$ NE $\frac{1}{4}$ being Tax No. 1718, Section 11, all in Township 1 South, Range 19 E.B.M.

the use of 2 cubic feet per second of time of underground waters diverted on NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3, Township 1 South, Range 19, E.B.M., with priority of April 1, 1930; that the use of said quantity of water is necessary for the production of agricultural crops on said lands and for domestic purposes thereon.

37 0801

(2). And there is hereby also adjudged and decreed to defendants and cross-complainants Alva Rhodes and Ida Rhodes, husband and wife, for the irrigation of and domestic purposes on the same lands before described the use of 2 cubic feet per second of time of underground waters diverted on NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3, Township 1 South, Range 19 E.B.M., with priority of April 1, 1950; that the use of said quantity of water is necessary for the production of agricultural crops on said lands and for domestic purposes thereon.

37 0802

(3). That there is hereby adjudged and decreed to plaintiff Clover Land and Livestock Company for the irrigation of and domestic purposes on those lands in Blaine County, Idaho, described as follows:

A parcel of land in square form in the Northwest corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 3, Township 1 South, Range 19 East, Boise Meridian, containing one-fourth (1/4) acre.

NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, Township 1 South, Range 19 East, Boise Meridian.

NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Township 1 South, Range 19 East, Boise Meridian.

lands and for domestic purposes thereon.
 water is necessary for the production of agricultural crops on said
 with priority of April 1, 1947; that the use of said quantity of
 diverted on Lot 3, Section 3, Township 1 South, Range 19 E.B.M.
 the use of 2.61 cubic feet per second of time of underground waters
 No. 2261; Lot 3 and NE 1/4 SW 1/4, all in Section 3,
 Township 1 South, Range 19, E.B.M.

as follows:
 domestic purposes on those lands in Blaine County, Idaho, described
 and cross-complaint Mrs. Walter Brown for the irrigation of and
 (5). That there is hereby adjudged and decreed to defendant

said lands and for domestic purposes thereon.
 water is necessary for the production of agricultural crops on
 with priority of June 15, 1946; that the use of said quantity of
 diverted on Lot 4, Section 4, Township 1 South, Range 19 E.B.M.
 the use of 2.54 cubic feet per second of time of underground waters
 Lots 1, 2, 3 and 4, Section 4, and Lot 4, Section
 3, all in Township 1 South, Range 19 E.B.M.

lands in Blaine County, Idaho, described as follows:
 and wife, for the irrigation of and domestic purposes on those
 and cross-complaints C. E. Allred and Jennie Allred, husband
 (7). That there is hereby adjudged and decreed to defendants

said lands and for domestic purposes thereon.
 water is necessary for the production of agricultural crops on
 with priority of April 1, 1935; that the use of said quantity of
 a parcel of land in square form in the Northwest
 corner of the NW 1/4 of the SW 1/4 of Section 3, Town-
 ship 1 South, Range 19 East, Boise Meridian, con-
 taining one-fourth (1/4) acre,

diverted on:
 the use of 5 cubic feet per second of time of underground waters
 NE 1/4 of the NW 1/4, NW 1/4 of the NW 1/4, SW 1/4 of the NW 1/4,
 SE 1/4 of the NW 1/4, NE 1/4 of the SW 1/4, of Section 18,
 Township 1 South, Range 20 East, Boise Meridian.
 Lot 2 of Section 7, Township 1 South, Range 20
 East, Boise Meridian.

37 0803
 1st 3263
 3

37 0804

That the rights of the respective parties hereto to the use of underground waters for domestic purposes on and for the irrigation of the lands, in the quantity, of the date of priority, and with the place of diversion all as hereinabove to them respectively decreed are hereby established, quieted and confirmed, and no party or parties hereto nor their attorneys, agents or employees shall hereafter assert any rights to the use of said underground waters other than as in this decree awarded.

DATED May 10th, 1951.

D. H. Sutphen

Judge of the District Court.

FILED and Entered
MAY 14 1951
George F. McCoy
CLERK, DISTRICT COURT
BLAINE COUNTY, IDAHO

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO
IN AND FOR THE COUNTY OF BLAINE

... CLOVER LAND AND LIVESTOCK COMPANY, ...

... A corporation, ...

Plaintiff

vs.

... G. E. ALLRED and JENNIE ALLRED, husband

and wife; MRS. WALTER BROWN, a widow;
ALVA RHODES and IDA RHODES, husband and
wife, Defendant

STATE OF IDAHO, }

County of Blaine, }

ss.

CLERK'S CERTIFICATE OF
TRUE COPY

I, ... GEORGE F. MCCOY, ... Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Blaine, do hereby certify that the foregoing is a full, true and correct copy of the original DECREE in the above entitled action now on file in my office.

Given under my hand and the seal of said Court in my office, at Halley, this 13 day of September A. D., 19 51

By Ethel Buhler Deputy.

Attest: George F. McCoy Clerk.

01/08/2007

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-20637

NAME AND ADDRESS: THOMAS M O GARA FAMILY TRUST
C/O BRIAN BARSOTTI
PO BOX 370
KETCHUM ID 83340

DISALLOWED

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.580 CFS
238.300 AFY

PRIORITY DATE: 02/12/1947

VERIFIED BY *KKC*

POINT OF DIVERSION:

T01S R19E S4 SWNW Lot 4 Within BLAINE County

T01S R19E S4 NWNWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	1.580 CFS 238.30 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01S R19E S03 Lot 4 SWNW	14.00	T01S R19E S04 Lot 2 SWNE	16.00
T01S R19E S04 Lot 1 SENE	15.00	T01S R19E S04 Lot 4 SWNW	18.00
T01S R19E S04 Lot 3 SENW	17.00	T01S R19E S04 NESW	40.00
T01S R19E S04 NWSW	40.00	T01S R19E S04 SWSW	38.00
T01S R19E S04 SESW	40.00	T01S R19E S04 SESE	40.00
T01S R19E S09 NENE	40.00	T01S R19E S09 NWNW	40.00
T01S R19E S09 SWNE	40.00	T01S R19E S09 SENE	40.00
T01S R19E S09 NENW	40.00	T01S R19E S09 NWNW	40.00
T01S R19E S09 SWNW	34.00	T01S R19E S09 SENW	40.00
T01S R19E S09 NESW	39.00	T01S R19E S09 NWSW	39.00
T01S R19E S09 SWSW	40.00	T01S R19E S09 SESW	40.00
T01S R19E S09 NESE	29.00	T01S R19E S09 NWSE	34.00
T01S R19E S09 SWSE	36.00	T01S R19E S09 SESE	14.00
T01S R19E S16 NWNW	22.00		

885 ACRES TOTAL

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

Recommended as Right No. 37-20639.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Recommended as Right No. _____: This is included for a claim that is proposed to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the other right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the other right, then the other right is recommended in another claimants name.

11/28/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-2476

NAME AND ADDRESS: THOMAS M O GARA FAMILY TRUST
C/O BRIAN BARSOTTI
PO BOX 370
KETCHUM ID 83340

DISALLOWED

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.640 CFS
247.000 AFY

PRIORITY DATE: 02/12/1947

VERIFIED BY *KTC*

POINT OF DIVERSION:

T01S R19E S4 SWNW Lot 4 Within BLAINE County

T01S R19E S4 NWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	1.640 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01S R19E S03 Lot 4 SWNW	16.00	T01S R19E S04 Lot 2 SWNE	16.00
T01S R19E S04 Lot 1 SENE	16.00	T01S R19E S04 Lot 4 SWNW	17.00
T01S R19E S04 Lot 3 SENW	17.00	T01S R19E S04 NESW	40.00
T01S R19E S04 NWSW	39.00	T01S R19E S04 SWSW	39.00
T01S R19E S04 SESW	40.00	T01S R19E S04 SESE	40.00
T01S R19E S09 NENE	40.00	T01S R19E S09 NWNE	40.00
T01S R19E S09 SWNE	40.00	T01S R19E S09 SENE	40.00
T01S R19E S09 NENW	40.00	T01S R19E S09 NWNW	39.00
T01S R19E S09 SWNW	27.00	T01S R19E S09 SENW	40.00
T01S R19E S09 NESW	40.00	T01S R19E S09 NWSW	34.00
T01S R19E S09 SWSW	39.00	T01S R19E S09 SESW	40.00
T01S R19E S09 NESE	40.00	T01S R19E S09 NWSE	41.00
T01S R19E S09 SWSE	40.00	T01S R19E S09 SESE	39.00
T01S R19E S16 NWNW	19.00		

918 ACRES TOTAL

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

Recommended as Right No. 37-803

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-2476 V1

01S 19E 16	19.0	19.0
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Total Acres: 918

Conditions of Approval:Remarks:

1. General OTHER RTS. CONTD. 37-00113A.
***** CHANGE OF OWNERSHIP 1/13/93 BY JG.
2. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 84 ACRES WITHIN THE PLACE OF USE
- Irrigation DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. GIVENS 1/13/1994 OWNERSHIP CHANGE
Comment: CHANGE OF OWNERSHIP RECEIVED 10/01/93 FORMER OWNER KERR PACIFIC CORP. NEW OWNER THE THOMAS M. OGARA FAMILY TRUST. COPY OF REAL ESTATE INSTALLMEN SALE CONTRACT (IN FILE A37-00803) AND FORM SIGNED BY ORIGINAL OWNER.
2. tfawcett 2/11/2002 amended claim
Comment: claim amended to change the place of use to a PPU.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag: NONE RECEIVED
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

December 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CRYSTAL VINCENT
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

Re: SRBA Claim No. A37-02476 / Thomas O'Gara Family Trust

Dear Crystal:

I have corrected the above claim to reflect the actual place of use as listed on the original claim filed by Jim Speck. I am enclosing a copy of the corrected claim for your files. As always, if there is anything else I can do to assist you, just give me a call.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf
Enc.

SD-0601-2 Last Name: KERR PACIFIC CORP.

STATE

SE L	First Name	OW N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
KERR PACIFIC CORP.							
		C	A37-00803	06/15/1946	GROUNDWATER	2.540	01 IRR
		C	A37-02476	02/12/1947	GROUNDWATER	1.640	01 IRR
		C	A37-07569	03/08/1977	GROUNDWATER	9.200	01 IRR
		C	A37-12400	12/31/1960	GROUNDWATER	0.040	43 DOMEST
		C	A37-12401	12/31/1973	GROUNDWATER	0.040	43 DOMEST
		C	A37-12402	12/31/1938	GROUNDWATER	0.130	43 DOMEST
							04 STOCK
		C	A37-00355	05/17/1883	BIG WOOD RI	5.600	01 IRR
		C	A37-00682	04/17/1883	BIG WOOD RI	0.500	01 IRR
		C	A37-00683	06/20/1884	BIG WOOD RI	4.500	01 IRR
		C	A37-00684	06/02/1890	BIG WOOD RI	1.000	01 IRR
		C	A37-00113C	07/10/1884	BIG WOOD RI	1.000	01 IRR
		C	A37-00577BZ	03/24/1883	BIG WOOD RI	0.690	01 IRR
		C	A37-12403	12/31/1950	GROUNDWATER	0.070	04 STOCK

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED

AUG 24 1984

Water Right Number - R37-02476

Prefix Translation: RESEARCH

Old (D) Number - 20049

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** A - ATTORNEY ***
ROSHOLT

JOHN A

1 - ROSHOLT ROBERTSON & TUCKER
2 - PO BOX 1906
3 -City- TWIN FALLS State- ID Zip- 833031906
Phone - 208-734-0700*** C - CURRENT OWNER ***
THOMAS M O GARA FAMILY TRUST

THE

1 - C/O BRIAN BARSOTTI
2 - ATTORNEY AT LAW
3 - PO BOX 10013
City- KETCHUM
Phone - 208-726-3030

State- ID Zip- 83340

*** O - ORIGINAL OWNER ***
KERR PACIFIC CORP.1 - C/O ANDREW P. KERR
2 - C/1 GILBERTSON, ET AL
3 - 1200 S.W. MAIN BLDG.
City- PORTLAND
Phone - 503-221-1772

State- OR Zip- 927050000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
02/12/1947 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
01S 19E 4 SW NW 4 (13) BLAINE
NW SW (13) BLAINE+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 1.640 247.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.640 247.00 205.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
01S 19E 3 NW NW 4 16.0 01 IRRIGATION (13) BLAINE
01S 19E 4 NE NE 1 16.0 01 IRRIGATION (13) BLAINE
01S 19E 4 NW NE 2 16.0 01 IRRIGATION (13) BLAINE
01S 19E 4 NE NW 3 17.0 01 IRRIGATION (13) BLAINE
01S 19E 4 NW NW 4 17.0 01 IRRIGATION (13) BLAINE

Total Acres: 82.0

AUG 24 1994
MICROFILMED

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 12/21/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C004292	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
JUL 4 1984

AJ0749NP
No. R37-02476

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 01/13/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THE THOMAS M O GARA FAMILY TRUST C/O BRIAN BARSOTTI ATTORNEY AT LAW PO BOX 10013 KETCHUM ID 83340 (208) 726-3030	02/12/1947	IRRIGATION	04-01 11-01	1.64 CFS	247.0 AFA
					TOTAL DIVERSION:	1.64 CFS
					CONSUMPTIVE USE:	247.0 AFA
						205.0 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T01S R19E S04 Lot04(SWNW)

NWSW

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
01S	19E	3	:																	:	16.0
01S	19E	4	:	01-16		02-16				03-17		04-17								:	66.0
																				TOTAL ACRES	82.0

POU County: BLAINE

Other Rights: 37-00682, 37-00683, 37-00684, 37-00355, 37-00803, 37-00577BZ

Remarks: OTHER RTS. CONTD. 37-00113A.

CHANGE OF OWNERSHIP 1/13/93 BY JG.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

MICROFILMED
AUG 24 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

14-JAN-1994

JOHN A ROSHOLT
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

ATTN: CRYSTAL VINCENT

RE: ADJUDICATION CLAIM(S) A37-00803, A37-02476, A37-07569, A37-12400
A37-12401, A37-12402, A37-00355, A37-00682, A37-00683, A37-00684
A37-00113C, A37-00577BZ, A37-12403 OWNERSHIP CHANGE IN THE NAME
OF KERR PACIFIC CORP. to THE THOMAS M. O'GARA FAMILY TRUST

Dear Mr. Rosholt:

Pursuant to the notification that you are representing the Claimants on the above-referenced Change of Ownership Adjudication Claims, I have changed the Department's record(s) as you have requested.

Please check the print-outs for corrections. Should you have any questions, please feel free to contact me at this office.

Sincerely,

A handwritten signature in cursive script, likely belonging to Judy Givens.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

c.c. Kerr Pacific Corp. - c/o Andrew P. Kerr, Attorney at Law
Jim Speck - Attorney at Law
Brian Barsotti - Attorney at Law

MICROFILMED

AUG 24 1994

Water Right Number - 37-02476

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - 20049

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
KERR PACIFIC CORP.1 - C/O GILBERTSON, ET AL
2 - 1200 S.W. MAIN BUILDING

3 -

City- PORTLAND

State- OR Zip- 927050000

Phone -

*** O - ORIGINAL OWNER ***
ALLRED

CLARENCE E.

1 -

2 -

3 -

City-

State-

Zip-

Phone -

+ - - Priority Date - - +
02/12/1947+ - - Region - - - +
17+ - - Stage - - - +
L - LICENSE

+ - - Status - - - - +

+ - - Source - - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

+ - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

01S 19E 4 SW NW 4 (13) BLAINE

01S 19E 4 NW SW (13) BLAINE

+ - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

04/01

11/01

1.640

247.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.640 247.00+ - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

01S 19E 3 NW NW 4 16.0 01 IRRIGATION (13) BLAINE

01S 19E 4 NE NE 1 16.0 01 IRRIGATION (13) BLAINE

01S 19E 4 NW NE 2 16.0 01 IRRIGATION (13) BLAINE

01S 19E 4 NE NW 3 17.0 01 IRRIGATION (13) BLAINE

01S 19E 4 NW NW 4 17.0 01 IRRIGATION (13) BLAINE

Total Acres: 82.0

+ - - Conversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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Feb 23 1993

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-	
Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000	Swan Falls	-	
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-	P
Start Work Date	-	00/00/0000	Verified Date	-	05/06/1985	DLE/Carey Act	-	
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-	
Licensed Date	-	05/15/1979	Appl Received	-	00/00/0000	Transfer/Amended	-	
Decree Date	-	00/00/0000						

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FEB 23 1993

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Kerr Pacific

CLAIM NO. A 37-02470

DATE RECEIVED 10-27-88

CK # COO-4292

AMOUNT \$

- | | YES | NO |
|--|--|--------------------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ |
| 2. Is a priority date entered? | ☒ | ☐ |
| Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?
A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS. | | |
| 3. (a) Is a source entered? | ☒ | ☐ |
| (b) Is a tributary to entered? (if required) | N/A ☒ | ☐ |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ |
| 5. Is there a description of the diverting works? | ☒ | ☐ |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ |
| Is the period of use included? | ☒ | ☐ |
| Is a quantity claimed for each use? | ☒ | ☐ |
| 7. Is a total quantity claimed entered? | ☒ | ☐ |
| 8. If required is a consumptive use entered? | N/A ☒ | ☐ |
| Is the consumptive use correct? | N/A ☒ | ☐ |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | N/A ☒ | ☐ |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | N/A ☒ | ☐ |
| 15. Is the basis of the claim indicated? | ☒ | ☐ |
| 16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) | ☒ | ☐ |
| Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ |
| Was this claim filed on time, or was an extension granted? | ☒ | ☐ |
| Is the fee enclosed correct? | Exempt ☒ | ☐ |
| If this claim is based on an existing water right, has the identification number been entered? | N/A ☒ | ☐ |
| Should this claim be receipted and data entered? | ☒ | ☐ |

Claim checked by: Lat

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Comments: notice of app

FEB 23 1993