

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 37-20402  
Date Received:  
Receipt No:  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

EDWARD F O GARA FAMILY TRUST Phone: (208)788-9828  
415 CROYDEN DR  
SPRING CREEK NV 89815

2. Date of Priority: 03/24/1883

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot |    | County | Type |
|----------|-------|---------|-----------------------|----|--------|------|
| 03N      | 18E   | 20      | SW                    | NW | BLAINE |      |

5. Description of diverting works:

VIA HIAWATHA CANAL (HEADGATE #22)

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/15 | 10/31 | 0.28   | 10.5       |

7. Total Quantity Appropriated is:

0.28 C.F.S. and/or 10.5 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      |   |
|---------------|-------|---------|------------|-----|-----|------------|---|
| 02N           | 18E   | 5       | NW         | NE  | 2   | IRRIGATION | 3 |
| Section Acres |       |         |            |     |     |            | 3 |
| Total Acres   |       |         |            |     |     |            | 3 |

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:

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

If in the future this right is transferred back to irrigation purposes, when combined with all other rights this right shall provide no more than 3.5 afa per acre at the field headgate for each acre of irrigation.

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.

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

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This right serves as mitigation for use of ground water for irrigation purposes under Permit 37-20400. The right holder shall retain ownership of Right 37-20402 and 0.06 cfs of that right shall be released by the watermaster of Water District 37 into the Hiawatha Canal and shall remain undiverted from the canal to prevent injury to canal users; the remainder of the right (0.22 cfs) shall remain undiverted in the Big Wood River.

15. Basis of Claim: Decreed

COPY

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

2007 NOV 14 PM 2 33

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

In Re SRBA

Case No. 39576

Subcase No. 37-20402

**NOTICE OF COMPLETED  
ADMINISTRATIVE PROCEEDING**

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

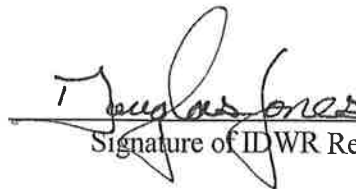
Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated:

11/13/07

  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on 11/14, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449

United States Dept Of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724

W Bruce Willis  
PO Box 3212  
Hailey ID 83333

Edward F O'Gara Family Trust  
415 Croyden Dr  
Spring Creek NV 89815



Signature of person or attorney mailing the form

10/17/2007

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-20402

NAME AND ADDRESS: WALTER BRUCE WILLIS  
PO BOX 3212  
HAILEY ID 83333

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.280 CFS  
10.50 AFY

PRIORITY DATE: 03/24/1883

POINT OF  
DIVERSION: T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>        |
|-----------------------|----------------------|------------------------|
| MITIGATION            | 04/15 10/31          | 0.280 CFS<br>10.50 AFY |

PLACE OF USE: MITIGATION in BLAINE County

T02N R18E S05 NWNE

Mitigation use is for 3 acres of irrigation from groundwater under water right 37-20400 in the legal description described in the place of use for this right.

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

This right serves as mitigation for use of ground water for irrigation purposes under Permit 37-20400. The right holder shall retain ownership of Right 37-20402 and 0.06 cfs of that right shall be released by the watermaster of Water District 37 into the Hiawatha Canal and shall remain undiverted from the canal to prevent injury to canal users; the remainder of the right (0.22 cfs) shall remain undiverted in the Big Wood River.

If in the future this right is transferred back to irrigation purposes, when combined with all other rights this right shall provide no more than 3.5 afa per acre at the field headgate for each acre of irrigation.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

November 14, 2007

W BRUCE WILLIS  
PO BOX 3212  
HAILEY ID 83333

RE: SRBA Claim(s) 37-20402

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett  
Technical Records Specialist

Enclosure

cc: Edward F. O'Gara Family Trust  
415 Croyden Dr  
Spring Creek NV 89815

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

RECEIVED  
OCT 04 2007  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No.(s) | Adjudication<br>Claim No.(s) | Split                    | Water<br>Right No.(s) | Adjudication<br>Claim No. (s) | Split                    |
|-----------------------|------------------------------|--------------------------|-----------------------|-------------------------------|--------------------------|
| 37-20400              | None                         | <input type="checkbox"/> |                       |                               | <input type="checkbox"/> |
| 37-20402              | 37-20402                     | <input type="checkbox"/> |                       |                               | <input type="checkbox"/> |
| 37-8502               | None                         | <input type="checkbox"/> |                       |                               | <input type="checkbox"/> |
|                       |                              | <input type="checkbox"/> |                       |                               | <input type="checkbox"/> |
|                       |                              | <input type="checkbox"/> |                       |                               | <input type="checkbox"/> |

2. The following REQUIRED information must be submitted with this form:
- A. The appropriate FILING FEE. See instructions for fee amounts.
  - B. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water right(s) in question, WITH ATTACHED LEGAL DESCRIPTION.
  - C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency AERIAL PHOTO with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): Edward F. O'Gara
4. New Owner/Claimant(s): W. Bruce Willis
- New Mailing Address: P.O. Box 3212
- City, State, Zip Code: Hailey, ID 83333
- New Telephone Number: (208) 788-1051
5. Date you acquired the property: October 2001

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

**DESCRIPTION OF YOUR PORTION OF WATER RIGHT**  
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number: \_\_\_\_\_

| <u>Water Use</u> | <u>Diversion Rate or Volume</u><br>(cubic feet per second or acre-feet annum) | <u>Description</u><br>(acres, number and type of stock, homes, etc.) |
|------------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------|
| Irrigation       | _____                                                                         | _____                                                                |
| Stock            | _____                                                                         | _____                                                                |
| Domestic         | _____                                                                         | _____                                                                |
| Other: _____     | _____                                                                         | _____                                                                |
| TOTAL            | _____                                                                         | _____                                                                |

**DESCRIPTION OF YOUR PORTION OF WATER RIGHT**  
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number: \_\_\_\_\_

| <u>Water Use</u> | <u>Diversion Rate or Volume</u><br>(cubic feet per second or acre-feet annum) | <u>Description</u><br>(acres, number and type of stock, homes, etc.) |
|------------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------|
| Irrigation       | _____                                                                         | _____                                                                |
| Stock            | _____                                                                         | _____                                                                |
| Domestic         | _____                                                                         | _____                                                                |
| Other: _____     | _____                                                                         | _____                                                                |
| TOTAL            | _____                                                                         | _____                                                                |

7. Signature of New Owner(s) or Claimant(s):  
(include title, if applicable)

x W. B. Walker  
\_\_\_\_\_

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

**FOR OFFICE USE ONLY**

|                        |             |                       |
|------------------------|-------------|-----------------------|
| Received by: _____     | Date: _____ | Fee: _____            |
| Received by: _____     | Date: _____ | Receipt No: _____     |
| Processed by: _____ AJ | Date: _____ | WR: _____ Date: _____ |

Order No. 50331

Instrument # 456260

HAILEY, BLAINE, IDAHO

2001-10-03

03:50:00 No. of Pages : 4

Recorded for : AMERITITLE

MARSHA RIEMANN

Fee: 12.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

## WARRANTY DEED

FOR VALUE RECEIVED AND AS RELINQUISHED PROPERTY IN AN IRC 1031 TAX DEFERRED EXCHANGE

EDWARD F. O'GARA, III AND VICKIE S. O'GARA, TRUSTEES OF THE EDWARD F. O'GARA III FAMILY TRUST DATED MAY 24, 1982 AND RESTATED ON JULY 30, 1993 ELIZABETH L. MELLO, TRUSTEE OF THE FLYING HEART TRUST DATED AS OF JANUARY 1, 1995

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

WALTER BRUCE WILLIS, an unmarried man

GRANTEE(s) whose address is: P.O. Box 3212, Hailey, ID 83333

the following described real property in Blaine County, Idaho, to wit:

### PARCEL I:

> Lot 35 of FLYING HEART RANCH NO. II, according to the official plat thereof, recorded as Instrument No. 197188, records of Blaine County, Idaho.

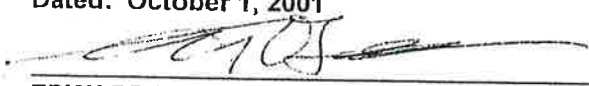
### PARCEL II:

> Lot 36 of FLYING HEART RANCH NO. II, according to the official plat thereof, recorded as Instrument No. 197188, records of Blaine County, Idaho.

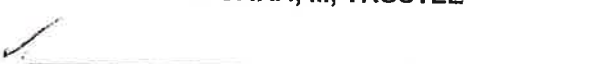
Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: October 1, 2001

  
EDWARD F. O'GARA, III, TRUSTEE

  
VICKIE S. O'GARA, TRUSTEE

  
ELIZABETH L. MELLO, TRUSTEE

THIS DOCUMENT MAY BE EXECUTED SIMULTANEOUSLY IN ONE OR MORE COUNTERPARTS, EACH OF WHICH SHALL BE DEEMED AN ORIGINAL BUT ALL OF WHICH TOGETHER SHALL CONSTITUTE ONE AND THE SAME INSTRUMENT.

State of Idaho

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}ss.

County of Ada

}

On this 2ND day of October, in the year 2001, before me, the undersigned, personally appeared **EDWARD F. O'GARA, III and VICKIE S. O'GARA**, known or identified to me to be the person(s) whose name is/are subscribed to the within instrument as trustee(s) of **THE EDWARD F. O'GARA III FAMILY TRUST DATED MAY 24, 1982 AND RESTATED ON JULY 1, 1995**, and acknowledged to me that he/she/they executed the same as such trustee(s).

WITNESS my hand and official seal.

*Marla G. Mink*

Notary Public

Commission Expires:

*12/01/2006*



adjudication Bureau  
P. O. Box 83720  
se, ID 83720-0098

ADDRESS SERVICE  
REQUESTED



- ☐ Not Deliverable As Addressed
- ☐ Unable To Forward
- ☐ Insufficient Address
- ☐ Moved, Left No Address
- ☐ Undelivered ☐ Refused
- ☐ Attempted - Not Known
- ☐ No Such Street ☐ Vacant
- ☐ No Such Number
- ☐ No Mail Receipts
- ☒ Forwarding Order Expired
- Route No. 10 Date
- Cardinal City
- SPRING CREEK NV 89815

FIRST CLASS



RECEIVED

JAN 04 2007

DEPARTMENT OF  
WATER RESOURCES

37-20402

EDWARD F O GARA FAMILY TRUST  
415 CROYDEN DR  
SPRING CREEK NV 89815

BK21

12/21/2006

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

RIGHT NUMBER: 37-20402  
NAME AND ADDRESS: EDWARD F O GARA FAMILY TRUST  
415 CROYDEN DR  
SPRING CREEK NV 89815  
SOURCE: BIG WOOD RIVER  
QUANTITY: 0.280 CFS  
10.500 AFY  
PRIORITY DATE: 03/24/1883  
POINT OF DIVERSION:

TRIBUTARY: MALAD RIVER

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>        |
|-----------------------|----------------------|------------------------|
| MITIGATION            | 04/15 10/31          | 0.280 CFS<br>10.50 AFY |

PLACE OF USE: MITIGATION in BLAINE County  
T02N R18E S05 NWNE

Mitigation use is for 3 acres of irrigation from groundwater under water right 37-20400 in the legal description described in the place of use for this right.

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

This right serves as mitigation for use of ground water for irrigation purposes under Permit 37-20400. The right holder shall retain ownership of Right 37-20402 and 0.06 cfs of that right shall be released by the watermaster of Water District 37 into the Hiawatha Canal and shall remain undiverted from the canal to prevent injury to canal users; the remainder of the right (0.22 cfs) shall remain undiverted in the Big Wood River.

If in the future this right is transferred back to irrigation purposes, when combined with all other rights this right shall provide no more than 3.5 afa per acre at the field headgate for each acre of irrigation.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The right holder shall accomplish the change authorized by transfer number 69165 within one (1) year of the date of the approval of that transfer.

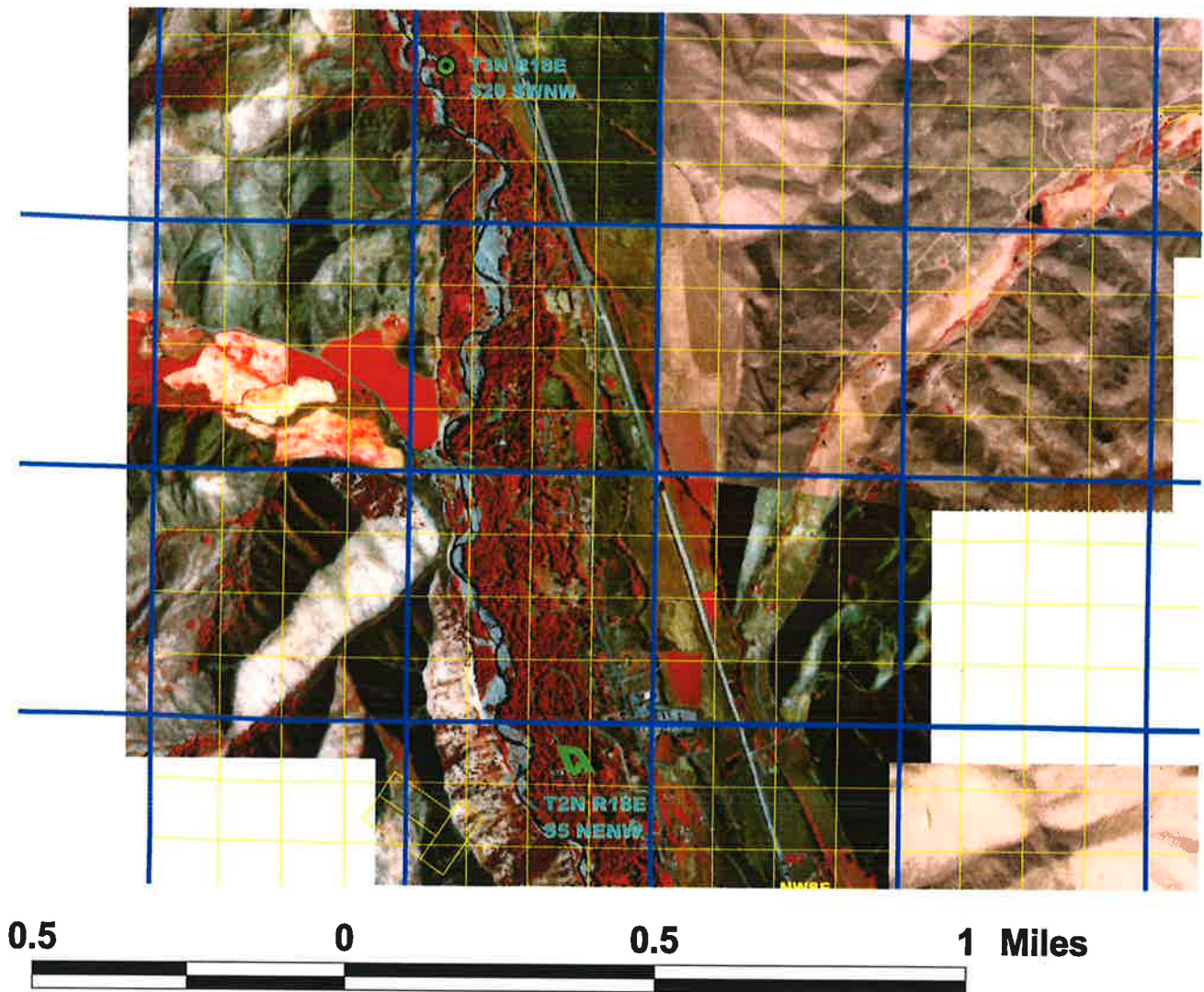
The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.



State of Idaho  
Idaho Department of Water Resources  
Western Region

T3N R18E SECTION(S) 20  
T2N R18E SECTION(S) 5  
WATER RIGHT(S) : 37-20402



- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

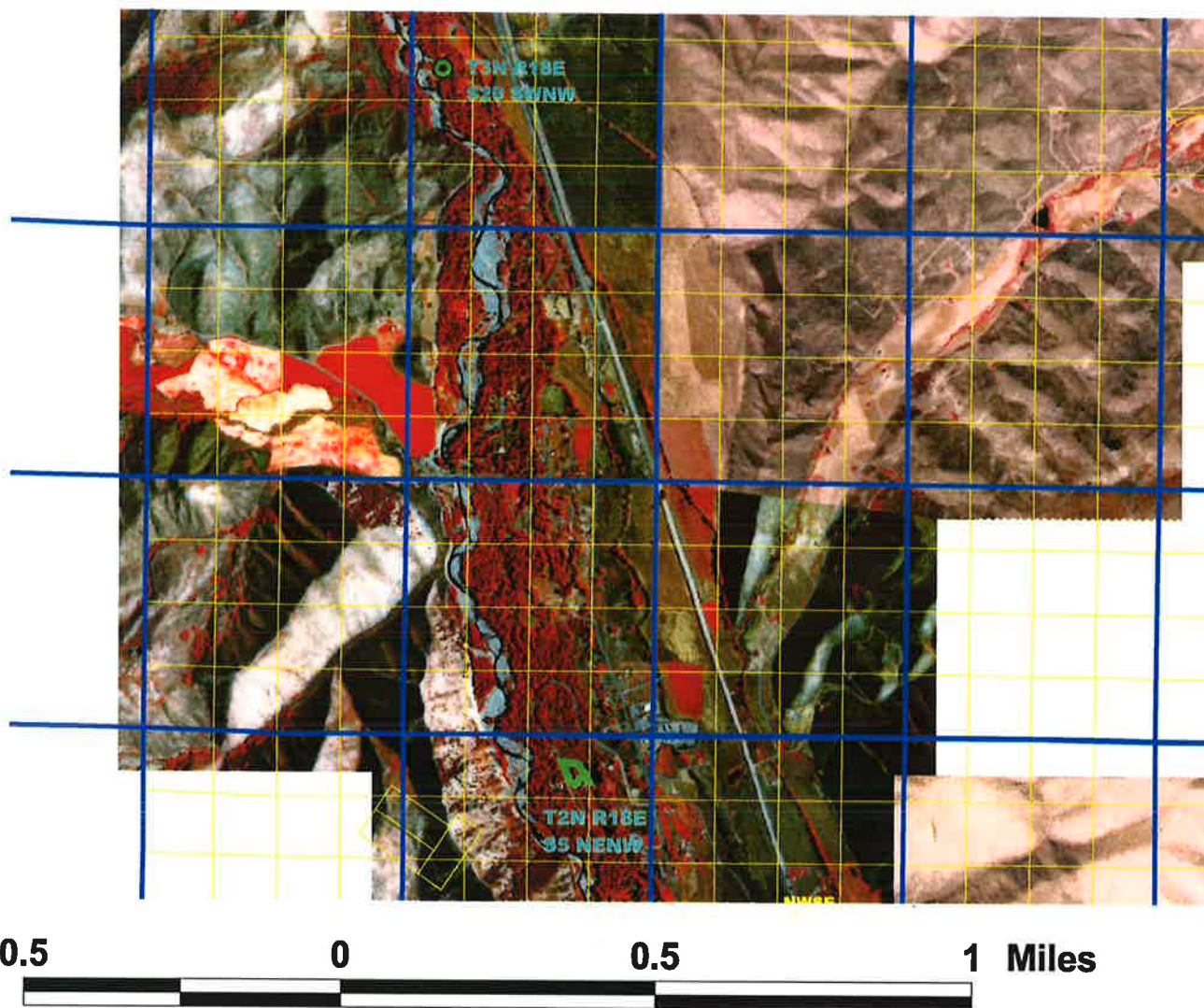
GIS Place of Use Illustration  
1987 NAPP Photography  
Prepared by: Dan Nelson  
Date: December 2006





State of Idaho  
Idaho Department of Water Resources  
Western Region

T3N R18E SECTION(S) 20  
T2N R18E SECTION(S) 5  
WATER RIGHT(S) : 37-20402



- ⊙ Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

Total Irrigated Acres = 3 acre(s)

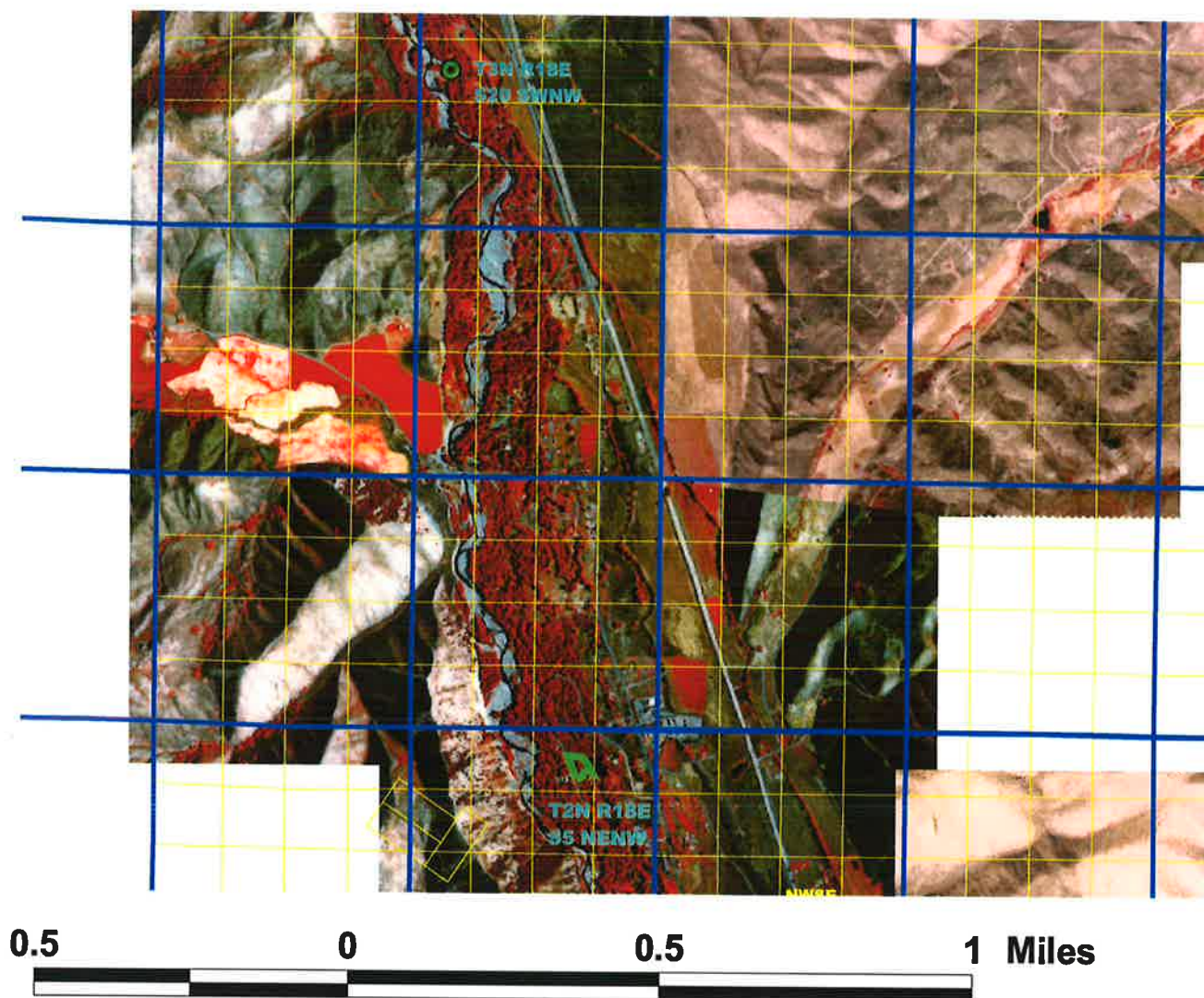
GIS Place of Use Illustration  
1987 NAPP Photography  
Prepared by: Dan Nelson  
Date: December 2006





State of Idaho  
Idaho Department of Water Resources  
Western Region

T3N R18E SECTION(S) 20  
T2N R18E SECTION(S) 5  
WATER RIGHT(S) : 37-20402

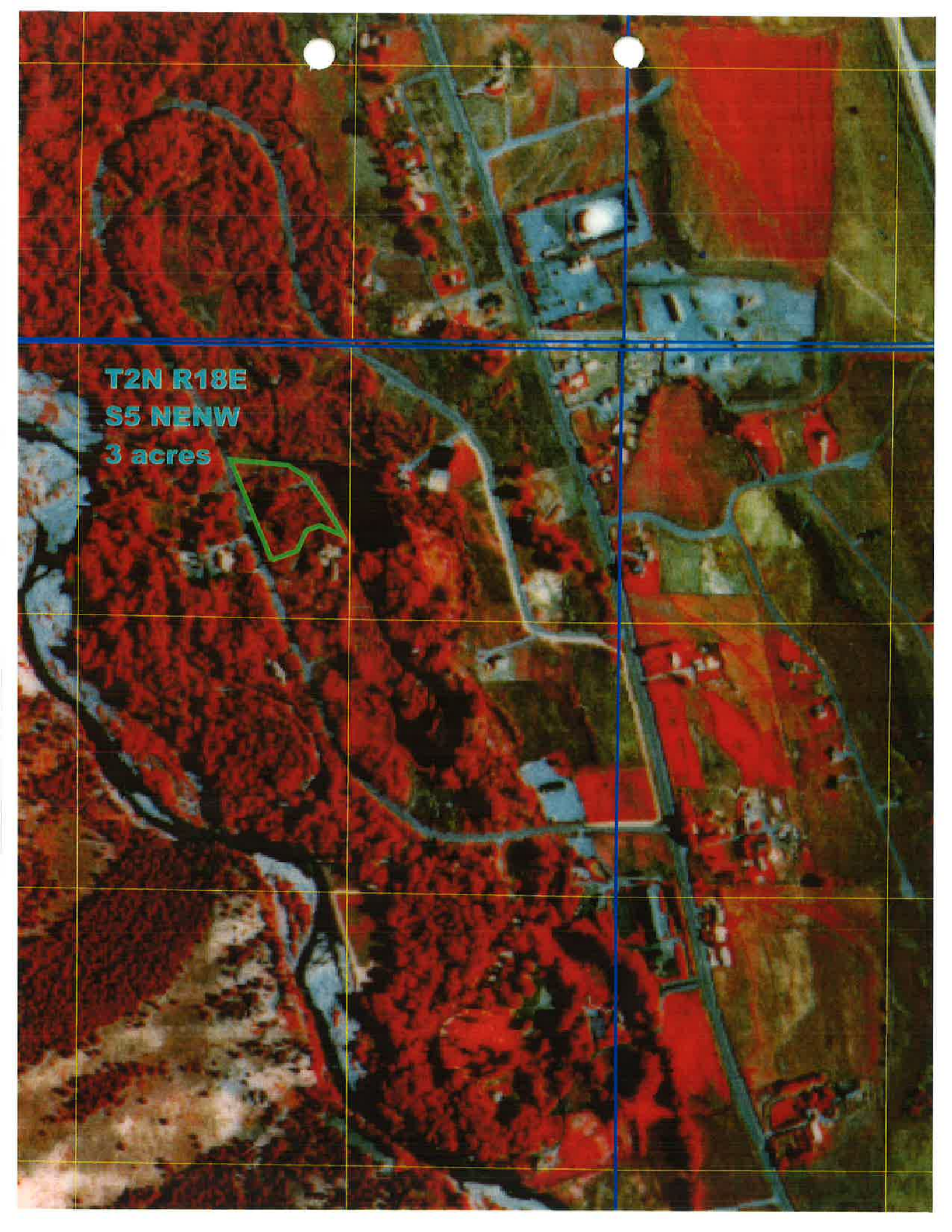


Shape File Copied From Current Taxlot Information.

- ⊙ Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration  
1987 NAPP Photography  
Prepared by: Dan Nelson  
Date: December 2006





T2N R18E  
S5 NENW  
3 acres

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 37-20402 V1

WATER RIGHT NUMBER: 37-20402 V1

|                   |                                                                                           |
|-------------------|-------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                   |
| Current Owner     | EDWARD F O GARA FAMILY TRUST<br>415 CROYDEN DR<br>SPRING CREEK, NV 89815<br>(208)788-9828 |

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

|                |                  |
|----------------|------------------|
| <u>Source</u>  | <u>Tributary</u> |
| BIG WOOD RIVER | MALAD RIVER      |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| MITIGATION            | 04/15 to 10/31          | 0.280 CFS             | 10.50 AF             |
|                       | <u>Total Diversion:</u> | 0.280 CFS             | 10.50 AF             |

Location of Point(s) of Diversion

|                |            |                                 |
|----------------|------------|---------------------------------|
| BIG WOOD RIVER | SW1/4NW1/4 | Sec. 20, Twp 03N, Rge 18E, B.M. |
| BLAINE County  |            |                                 |

Place of Use

MITIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 02N | 18E | 5   |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Conditions of Approval:

1. Mitigation use is for 3 acres of irrigation from groundwater under water right 37-20400 in the legal description described in the place of use for this right.
2. This right serves as mitigation for use of ground water for irrigation purposes under Permit 37-20400. The right holder shall retain ownership of Right 37-20402 and 0.06 cfs of that right shall be released by the watermaster of Water District 37 into the Hiawatha Canal and shall remain undiverted from the canal to prevent injury to canal users; the remainder of the right (0.22 cfs) shall remain undiverted in the Big Wood River.
3. R59 If in the future this right is transferred back to irrigation purposes, when combined with all other rights this right shall provide no more than 3.5 afa per acre at the field headgate for each acre of irrigation.
4. T07 The right holder shall accomplish the change authorized by transfer number 69165 within one (1) year of the date of the approval of that transfer.
5. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 37-20402 V1

6. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
7. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

Remarks:Comments:

1. PSKAGGS 3/29/2002 10:47:33 AM Transferred Right  
Comment: This is now a approved transfer, transfer number = 69165
2. dnelson 12/18/2006 POU and POD Maps  
Comment: Point of Diversion and Place of Use maps were created based on transfer maps and current taxlot information.
3. dnelson 12/21/2006 Water Use  
Comment: The use of this recommendation was corrected to mitigation use. Transfer 69165 changed the nature of use of this right to mitigation to allow irrigation of 3 acres from groundwater under water right 37-20400.

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:  
 State or Federal: S  
 Owner Name Connector:  
 Water District Number: 37  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre: 3.5  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Contacts       | 9/18/2006 11:56:26 AM     | eretelle        |                           |                 | Active        |
| Priority Date  | 9/18/2006 11:58:03 AM     | eretelle        |                           |                 | Active        |
| POD            | 9/18/2006 12:27:27 PM     | eretelle        |                           |                 | Active        |
| Source         | 9/18/2006 12:27:44 PM     | eretelle        |                           |                 | Active        |
| POU            | 9/18/2006 12:28:09 PM     | eretelle        |                           |                 | Active        |
| Use            | 9/18/2006 3:10:40 PM      | eretelle        |                           |                 | Active        |
| Season         | 9/18/2006 3:11:25 PM      | eretelle        |                           |                 | Active        |
| Quantity       | 9/18/2006 3:11:38 PM      | eretelle        |                           |                 | Active        |
| Quantity       | 9/18/2006 3:12:03 PM      | eretelle        |                           |                 | Active        |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20402 V1

|         |                       |          |        |
|---------|-----------------------|----------|--------|
| Summary | 09/18/2006            | eretelle | Active |
| Use     | 12/21/2006 8:44:07 AM | dnelson  | Active |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                 |
|----------------|------------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POU            | 12/19/2006 3:29:22 PM  | dnelson         | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                    |
| POU            | 12/21/2006 8:47:04 AM  | dnelson         | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                    |
| Contacts       | 9/18/2006 11:56:26 AM  | eretelle        | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: Transfer 69165. Sufficient info in file.                                                                                                                                                                                                                                                  |
| General        | 9/18/2006 11:58:04 AM  | eretelle        | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(Yes) 4. Is the basis of claim decree or license?<br>(Yes) 5. Does the decree or license have a Priority Date?<br>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?<br>(Yes) 15. Is the basis of claim coded correctly? |
| POD            | 9/18/2006 12:27:12 PM  | eretelle        | Updated shape                                                                                                                                                                                                                                                                                                                                                   |
| POD            | 9/18/2006 12:27:28 PM  | eretelle        | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a POD?<br>(Yes) 5. Can the claimed POD be verified using the water right file?<br>(No) 10. Is a POD remark and/or condition required?                                                                                                                      |
| Source         | 9/18/2006 12:27:44 PM  | eretelle        | (Yes) 1. Is the basis of claim Decree or License?<br>(Yes) 4. Does the Decree or License have a source?<br>(Yes) 5. Can the claimed source be verified using the water right file?<br>(No) 11. Is a Source remark and/or condition required?                                                                                                                    |
| POU            | 9/18/2006 12:28:10 PM  | eretelle        | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2a. Is the POU required?<br>(Yes) 5. Does the Decree or License have a POU?<br>(Yes) 6. Can the claimed POU be verified using the water right file?<br>(No) 14. Is a POU remark and/or condition required?                                                                                    |
| POU            | 12/18/2006 11:52:11 AM | dnelson         | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                    |
| POU            | 9/18/2006 2:44:09 PM   | eretelle        | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                    |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 37-20402 V1

|          |                       |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------|-----------------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary  | 9/18/2006 3:14:55 PM  | eretelle | <p>(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?</p> <p>(No) 5. Does this right have any combined use limits with other rights?</p> <p>(No) 6. Is an additional remark and/or condition required?</p> <p>(Yes) 7. Would you like to view the recommended right?</p> <p>(Yes) 8. Is this a split or combined right?</p> <p>(No) 9. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 10. Would you like to set the verification date?</p> |
| Use      | 12/21/2006 8:44:07 AM | dnelson  | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a Purpose of Use?</p> <p>(No) 5. Can the claimed Purpose of Use be verified using the water right file?</p> <p>(Yes) 6. Is there evidence that there has been a change in the Purpose of Use?</p> <p>(No) 7. Can the change be verified as an accomplished transfer?</p> <p>(No) 8. Does the change include an enlargement of the Purpose of Use?</p> <p>(Yes) 12. Did the claimant file a transfer?</p> <p>(Yes) 13. Is a Purpose of Use remark and/or condition required?</p> <p>Description for Question 8 - Transfer on right</p>                                     |
| Use      | 9/18/2006 3:10:40 PM  | eretelle | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a Purpose of Use?</p> <p>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?</p> <p>(No) 13. Is a Purpose of Use remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                                                                        |
| Quantity | 9/18/2006 3:12:03 PM  | eretelle | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?</p> <p>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?</p> <p>(Yes) 8. Does the parent right have an annual diversion volume limit?</p> <p>(Yes) 10. Is a irrigation a purpose of use?</p> <p>(No) 12. Is a Quantity remark or condition required?</p> <p>Description for Question 10 - Transfer 69165</p>                                                                                                                                                                                  |

## IDAHO DEPARTMENT OF WATER RESOURCES

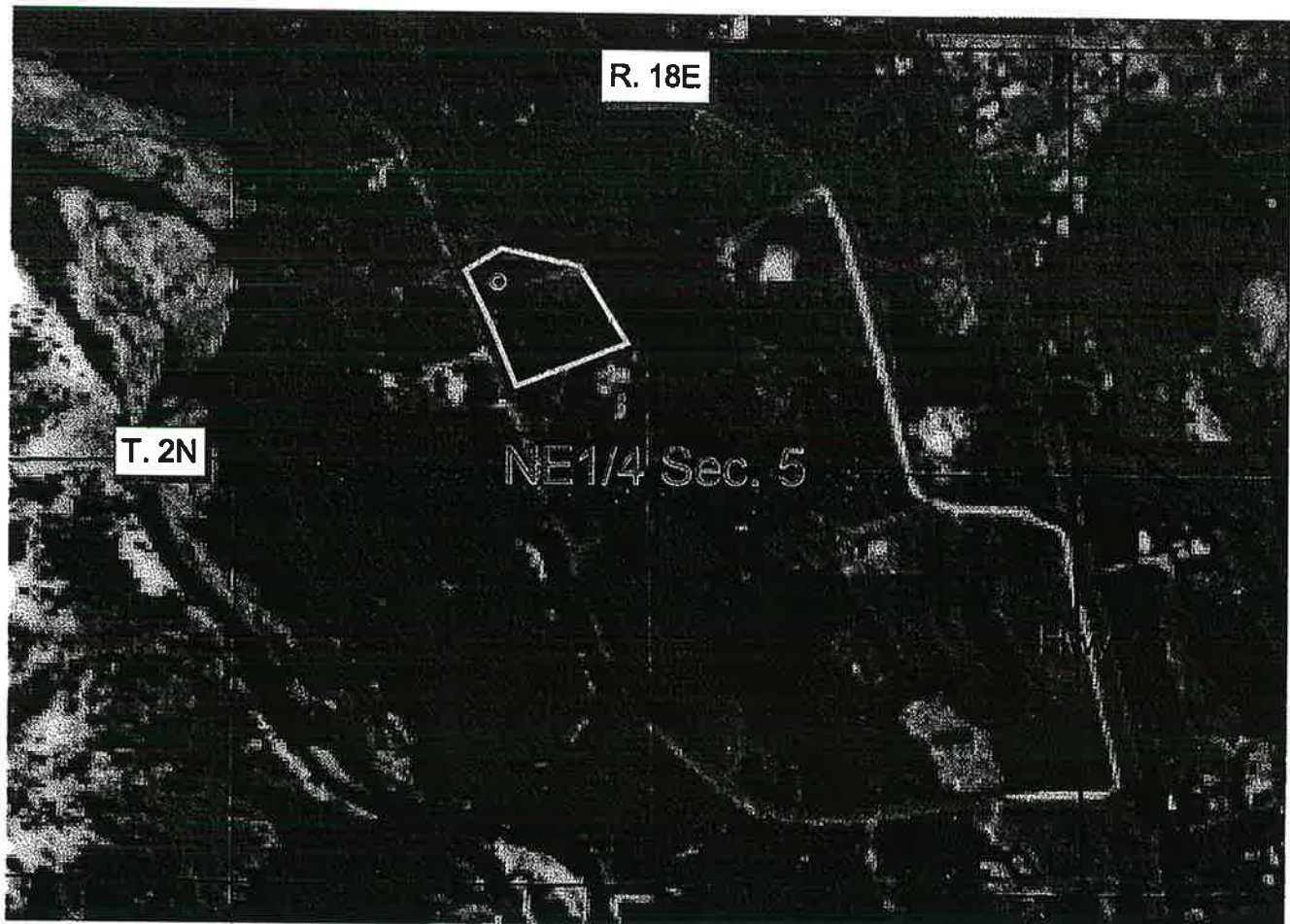
## Adjudication Recommendation Report 37-20402 V1

|          |                      |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------|----------------------|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Season   | 9/18/2006 3:11:26 PM | eretelle | (Yes) 1. Is the basis of claim Decree or License?<br>(Yes) 4. Does the Decree or License have a<br>Period of Use?<br>(Yes) 5. Can the claimed Period of Use be<br>verified using the water right file?<br>(Yes) 14. Is irrigation claimed as a Purpose of<br>Use?<br>(No) 16. Is the Period of Use on the decree,<br>license or transfer shorter on either the start date<br>or end date than allowable under current IDWR<br>standards?<br>(No) 18. Is a Period of Use remark and/or<br>condition required? |
| Quantity | 9/18/2006 3:11:39 PM | eretelle | (Yes) 1. Is the basis of this claim a Decree or<br>License?<br>(Yes) 4. Does the Decree or License have a<br>diversion rate and/or volume?<br>(Yes) 5. Can the claimed diversion rate and/or<br>volume be verified using the water right file?<br>(Yes) 8. Does the parent right have an annual<br>diversion volume limit?<br>(Yes) 10. Is a irrigation a purpose of use?<br>(No) 12. Is a Quantity remark or condition<br>required?                                                                         |

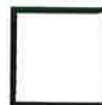
Water Supply Bank:

# IDAHO DEPARTMENT OF WATER RESOURCES

## APP FOR TRANSFER - Edward F. O'Gara Family Trust



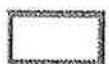
Section Lines



Quarter/Quarter Lines

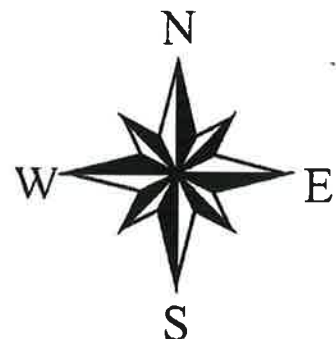
General Location: ~~About 5 miles NE of Coaling~~

● Point(s) of Diversion (Well For App 37-20400)



Proposed Place of Use (3 ac)

MICROFILMED  
APR 23 2002



Prepared By J E Stanton 5-28-01

1986/87 NAPP Data

**T69165**

# FSA Aerial Photo, 2000

Section 5, T2N, R18E



0.4 0 0.4 0.8 Miles



## EXPLANATION

- |   |                           |
|---|---------------------------|
| — | Quarter Section Divisions |
| — | Section Divisions         |
| — | O'Gara's - Place of Use   |
| — | Grabher - Place of Use    |

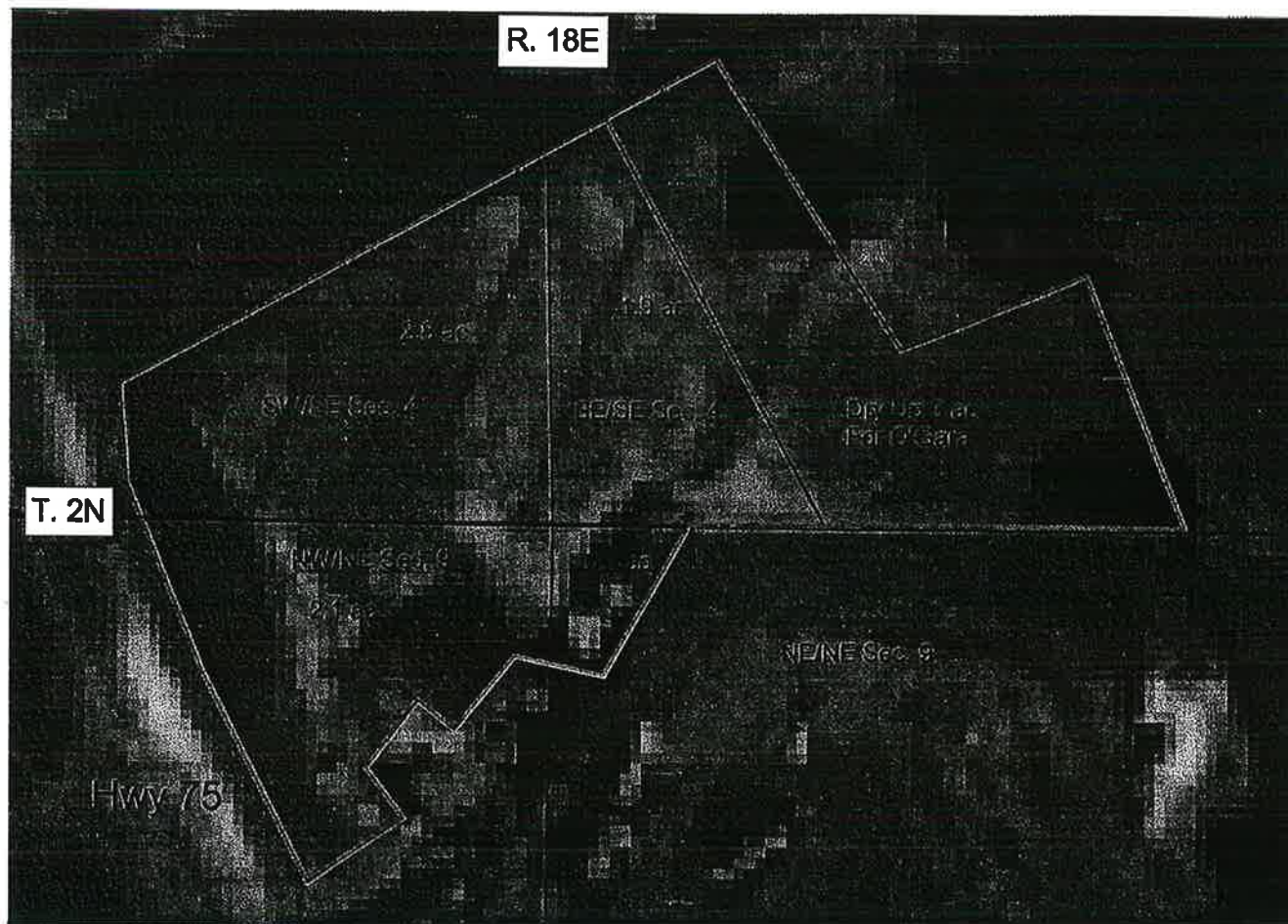
MICROFILMED

APR 23 2002



# IDAHO DEPARTMENT OF WATER RESOURCES

## APP FOR TRANSFER - Edward F. O'Gara Family Trust



Section Lines



Quarter/Quarter Lines

General Location: Just North of Hailey & East of Hwy 75



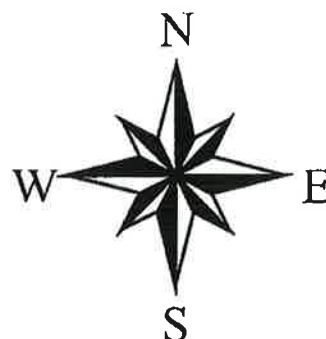
Point(s) of Diversion



Elmar Grabher Property

MICROFILMED

APR 23 2002



Prepared By J E Stanton 5-28-01

1986/87 NAPP Data

T 69165

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
1341 Fillmore Street, Suite 200  
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED

RECEIVED

SEP 20 2004

Department of Water Resources  
Southern Region



UNDELIVERABLE MAIL  
Reason: ☐ Mismatched Address

- ☐ Undelivered, Left No Address  
☐ Undelivered ☐ Refused  
☐ Attempted - Not Known  
☐ No Such Street ☐ Vacant  
☐ No Such Number  
☐ No Mail Receptacle

☒ Forwarding Order Expires

Route No. 10 Date       

Carrier        EDWARD F O GARA FAMILY TRUST

SPRING CREEK NV 89815

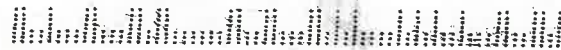
SPRING CREEK NV 89815

20400

Southern



37-20402



*Sentinel*

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 69165

RECEIVED

APR 03 2002

Department of Water Resources  
Southern Region

This is to certify that: EDWARD F O'GARA FAMILY TRUST  
415 CROYDON DR  
SPRING CREEK NV 89815  
(208)788-9828

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

| Right | Origin/Basis | Priority   | Rate     | Volume  | Acres | Total | Source         |
|-------|--------------|------------|----------|---------|-------|-------|----------------|
| 37-4J | AJC/Decreed  | 03/24/1883 | 0.65 cfs | 24.5 af | 7.0   | 7.0   | BIG WOOD RIVER |

Purpose of Transfer (Changes Proposed)

| Current Number | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----------------|-------|-----|-----|---------|---------------|---------------|
| 37-4J          | YES   | NO  | YES | NO      | NO            | NO            |

Summary of Water Rights After the Approved Change

| Existing Right | New No. (changed portion) | Transfer Rate | Transfer Volume | Acre Limit | Total Acres | New No. (remaining portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|----------------|---------------------------|---------------|-----------------|------------|-------------|-----------------------------|----------------|------------------|----------------------|-----------------------|
| 37-4J          | 37-20402                  | 0.28 cfs      | 10.5 af         | 3.0        | 3.0         | 37-20401                    | 0.37 cfs       | 14 af            | 4.0                  | 4.0                   |
| TOTALS         |                           | 0.28 cfs      | 10.5 af         |            | 3           |                             | N/A            | N/A              | N/A                  | N/A                   |

Detailed Water Right Description(s) attached

Dated this 29<sup>th</sup> day of March, 2002

*J. Glen Saylor*  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 37-20401**  
**As Modified by Transfer No. 69165**

In accordance with the approval of Transfer No. 69165, Water Right No. 37-20401 is now described as follows.

**Right Holder:** ELMAR GRABHER And  
 RIGMOR GRABHER  
 PO BOX 507  
 SUN VALLEY ID 83353

**Priority Date:** 03/24/1883

**Source:** BIG WOOD RIVER

**Tributary:** MALAD RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/15       | 10/31     | 0.37 CFS              | 14.0 AF       |
|                       |             |           | 0.37 CFS              | 14.0 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

BIG WOOD RIVER                      SWNW    Sec. 20   Twp 03N   Rge 18E    BLAINE County

**PLACE OF USE:**    IRRIGATION

| Twp | Rge | Sec | NE |     |    |    | NW |    |    |    | SW |    |    |    | SE |    |     |    | Totals |
|-----|-----|-----|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|-----|----|--------|
|     |     |     | NE | NW  | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW  | SE |        |
| 02N | 18E | 4   |    |     |    |    |    |    |    |    |    |    |    |    |    |    | 2.0 |    | 2.0    |
| 02N | 18E | 9   | .6 | 1.4 |    |    |    |    |    |    |    |    |    |    |    |    |     |    | 2.0    |

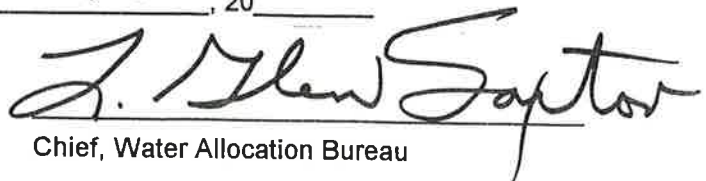
Total Acres: 4

**CONDITIONS OF APPROVAL**

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 29<sup>th</sup> day of March, 2002

  
 Chief, Water Allocation Bureau

**WATER RIGHT NO. 37-20402**  
As Modified by Transfer No. 69165

In accordance with the approval of Transfer No. 69165, Water Right No. 37-20402 is now described as follows.

**Right Holder:** EDWARD F O'GARA FAMILY TRUST  
415 CROYDON DR  
SPRING CREEK NV 89815

**Priority Date:** 03/24/1883

**Source:** BIG WOOD RIVER

**Tributary:** MALAD RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION *          | 04/15       | to 10/31  | 0.28 CFS              | 10.5 AF       |
|                       |             |           | 0.28 CFS              | 10.5 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

BIG WOOD RIVER                      SWNW    Sec. 20 Twp 03N   Rge 18E   BLAINE County

**PLACE OF USE:**    IRRIGATION

| Twp Rge Sec | NE |     |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 02N 18E 5   | NE | NW  | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | 3.0    |
|             |    | 3.0 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|             |    | L 2 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total Acres: 3

**CONDITIONS OF APPROVAL**

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. If in the future this right is transferred back to irrigation purposes, when combined with all other rights this right shall provide no more than 3.5 afa per acre at the field headgate for each acre of irrigation.
4. 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.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- \*6. This right serves as mitigation for use of ground water for irrigation purposes under Permit 37-20400. The right holder shall retain ownership of Right 37-20402 and 0.06 cfs of that right shall be released by the watermaster of Water District 37 into the Hiawatha Canal and shall remain undiverted from the canal to prevent injury to canal users; the remainder of the right (0.22 cfs) shall remain undiverted in the Big Wood River.

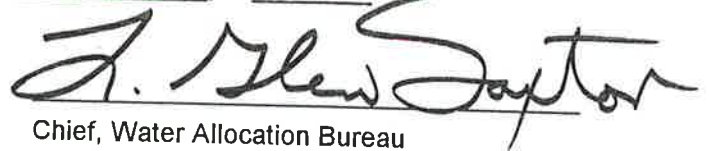
**WATER RIGHT NO. 37-20402**  
**As Modified by Transfer No. 69165**

**CONDITIONS OF APPROVAL**

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 29<sup>th</sup> day of March, 2002

  
Chief, Water Allocation Bureau