

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 37-20641  
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: 07/10/1884

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 |
|----------|-------|---------|-----------------------|--------|------|
| 02N      | 18E   | 36      | SW NW                 | BLAINE |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 11/01 | 0.96   |            |

7. Total Quantity Appropriated is:  
0.96 C.F.S.

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       | 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    |
|          |       |         | 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   |
|          |       |         |     |        |     | 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 33.3 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: Decreed

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 37-113C  
Date Received: 12/21/1988  
Receipt No: C004292  
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

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: 07/10/1884

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 |
|----------|-------|---------|-----------------------|--------|------|
| 02N      | 18E   | 36      | SW NW                 | BLAINE |      |

5. Description of diverting works:

DISTRICT 45 CANAL DIVERSION

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 11/01 | 1      | 2295       |

7. Total Quantity Appropriated is:

1 C.F.S. and/or 2295 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    |
|          |       |         | NE SW      |     | IRRIGATION    | 40    |
|          |       |         | NW SW      |     | IRRIGATION    | 39    |
|          |       |         | SW SW      |     | IRRIGATION    | 39    |
|          |       |         | SE SW      |     | IRRIGATION    | 40    |
|          |       |         | SE SE      |     | IRRIGATION    | 40    |
|          |       |         | SE NW      | 3   | IRRIGATION    | 17    |
|          |       |         |            |     | Section Acres | 264   |
| 01S      | 19E   | 9       | 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    |
|          |       |         | SW SW      |     | IRRIGATION    | 39    |
|          |       |         | SE SW      |     | IRRIGATION    | 40    |
|          |       |         | NE SE      |     | IRRIGATION    | 40    |
|          |       |         | SW SE      |     | IRRIGATION    | 40    |
|          |       |         | SE SE      |     | IRRIGATION    | 40    |
|          |       |         | NW 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. 37-07569, 37-00577BZ \*\*\*DWR NOTE\*\*\* CLAIM RE-ENTERED ON DATA  
BASE 11-07-89; SCC

\*\*\* CHANGE OF OWNERSHIP 1/14/94 BY JG.

2/8/02, TF; Claim amended. POD changed to more accurately reflect actual delivery  
system. This claim is limited to the irrigation 34.5 acres within 918 acre place of  
use described above.

15. Basis of Claim: Decreed

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN 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 RegionNOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW\* AMENDED  
CLAIM

A37-00113C

Please type or print clearly

1. Name of Claimant (s) THE THOMAS M. O'GARA FAMILY TRUST Phone (208) 726-3030  
Mailing Address C/O BRIAN BARSCOTT ATTORNEY AT LAW  
P.O. BOX 370 KETCHUM, ID Zip 833402. Date of Priority (Only one (1) per claim) 07/10/18843. Source of water supply (a) BIG WOOD RIVER  
which is tributary to (b) MALAD RIVER4. a. Location of existing point of diversion is: Township 02 N Range 18 E Section 36,  
\_\_\_\_\_ 1/4 of SW 1/4 of NW 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of BLAINEAdditional points of diversion if any: N/A

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. DISTRICT 45 CANAL DIVERSION

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 1.00 or 2295.0

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 1.00 (cfs) and/or (b) 2295 (acre feet)

8. Total consumptive use claimed is 2295 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:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. 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 34.5 AC WITHIN 918 AC PPU Total number of acres irrigated 918.0 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 LIST

or None ( )

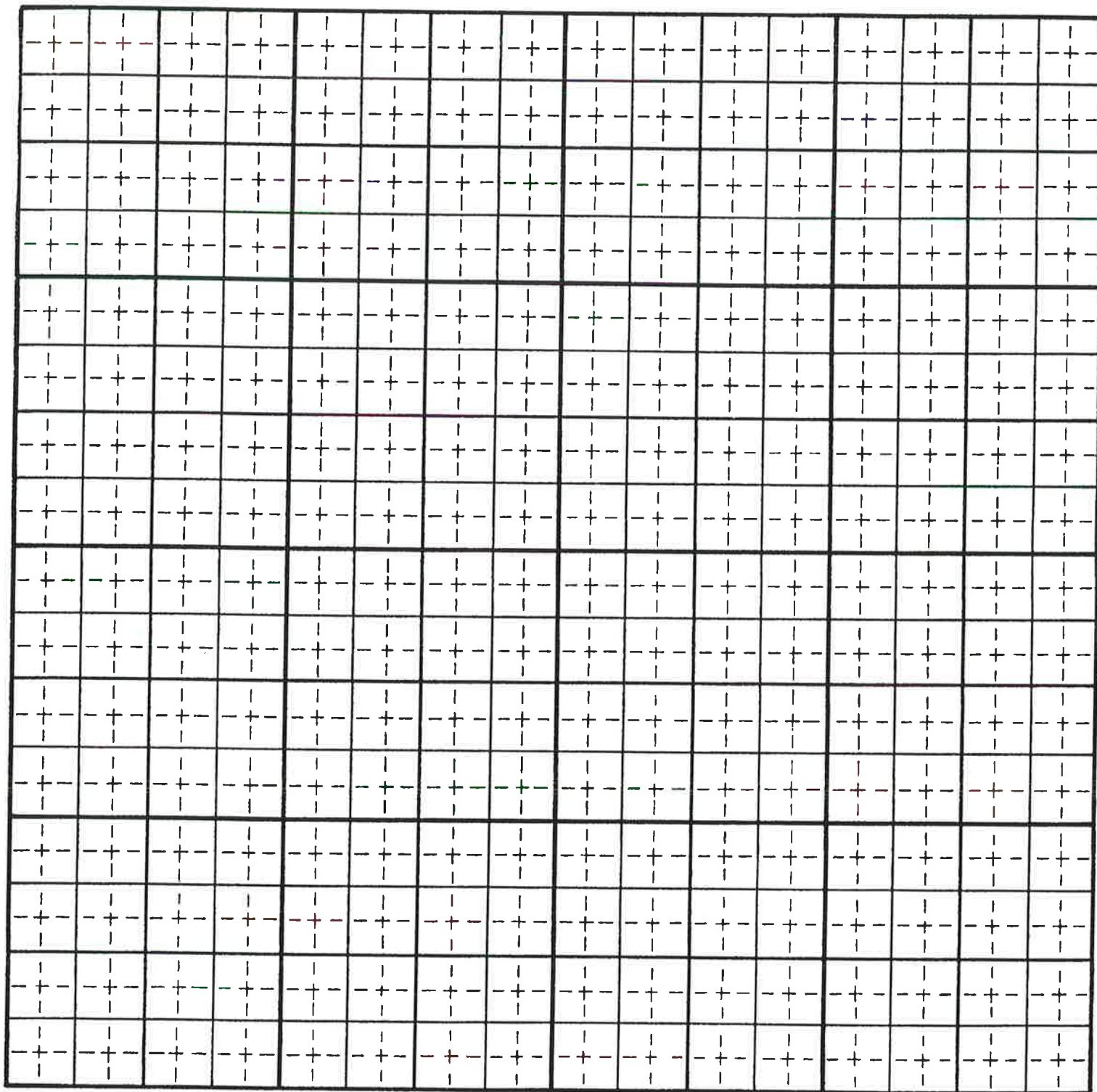
14. Remarks:

AMENDED CLAIM

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



Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_

Decree X

If applicable provide IDWR Water Right Number A37-00113C

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) [Signature] Date 1/30/02

Date \_\_\_\_\_

*\* NOTE - LIMIT 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 \_\_\_\_\_ of \_\_\_\_\_

Title

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 \_\_\_\_\_

LIMITED POWER OF ATTORNEY

RECEIVED

FEB 01 2002

Department of Water Resources  
Southern Region

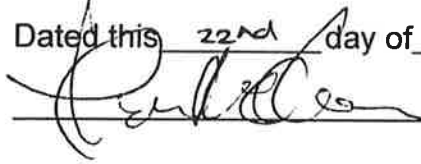
KNOWN ALL MEN BY THESE PRESENTS:

I, Thomas M. O'Gara - Silver Springs Ranch, hereby nominate and appoint  
Jeffrey S. Rau As my attorney-in-fact with full authority to act for and  
on my behalf to undertake any and all acts or matters pertaining to water right transfers before The  
Idaho Department of Water Resources for the following water right(s) 37-00355, 37-00682  
37-00683, 37-00684, 37-00577, 37-00113, 37-00803, 37-02476, 37-07569, 37-02581, 37-02599  
37-02604, 37-02616, 37-07758, 37-04133  
in Blaine County, Idaho. Additionally, I hereby ratify and confirm any  
and all such acts on matters as contemplated herein.

My agent is hereby authorizing to sign, seal and deliver, as my act in deed, those said  
instruments of writing that may be necessary or proper to carry into execution and effect the  
applications, and transfers above-mentioned. Further, I hereby declare that each and every  
application, transfer, agreement, receipt, or payment which shall be by my said agent given,  
made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had  
been signed, sealed, and delivered by me in my on proper person; and I hereby undertake at all  
times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning  
the said premises by virtue of these presents. This Limited Power of Attorney will become void  
upon approval, denial or withdrawal of the above referenced applications.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal

Dated this 22nd day of March 2001.



Signature

State of Idaho )  
County of Blaine )

ss.

On this 22 Day of March, 2001, before me, a Notary Public in and  
for said County and State, personally appeared TOM O'GARA, known  
or identified to me to be the individual whose name and subscription to the within instrument, and  
acknowledged to me that he executed the same.

IN WHITNESS WHEREOF, I have hereunto set my hand and affixed my official seal  
the day and year in this certificate first above written.



S  
E  
A  
L



Notary Public  
In and for said State and County

7/13/2007

My Commission Expires

The Thomas M. O'Gara Family Trust  
c/o Brian Barsotti  
Attorney at Law  
P.O. Box 370  
Ketchum, ID 83340

Item #13 - The following water rights are used at the same place of use and for the same purposes as outlined in the amended claims.

**A37-00113C, A37-00577BZ, A37-00803, A37-02476, A37-07569, A37-00355,  
A37-00682, A37-00683, A37-00684**

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: **A37-00113C**  
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: JUL 10, 1884

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 |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 03N      | 18E   | 20      | SW     | NW     |     |     | BLAINE |

5. Description of diverting works:  
DISTRICT 45 CANAL, DITCH, 2 250-HP PUMPS, 3 PIVOTS, HANDLINES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 1.000  |      |        |

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

8. Total consumptive use is 2295.0 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  |

**MICROFILMED**

**OCT 24 1994**

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 |
|          |       |         | NE         | SW  |               | IRR   | 40.0 |
|          |       |         | NW         | SW  |               | IRR   | 39.0 |
|          |       |         | SW         | SW  |               | IRR   | 39.0 |
|          |       |         | SE         | SW  |               | IRR   | 40.0 |
|          |       |         | SE         | SE  |               | IRR   | 40.0 |
|          |       |         |            |     | Section Acres | 264.0 |      |
|          |       | 9       | NE         | NE  |               | IRR   | 40.0 |
|          |       |         | NW         | NE  |               | IRR   | 40.0 |
|          |       |         | SW         | NE  |               | IRR   | 40.0 |
|          |       |         | SE         | NE  |               | IRR   | 40.0 |
|          |       |         | NE         | NW  |               | IRR   | 40.0 |
|          |       |         | NW         | NW  |               | IRR   | 39.0 |
|          |       |         | SW         | NW  |               | IRR   | 27.0 |
|          |       |         | SE         | NW  |               | IRR   | 40.0 |
|          |       |         | NE         | SW  |               | IRR   | 40.0 |
|          |       |         | NW         | SW  |               | IRR   | 34.0 |
|          |       |         | SW         | SW  |               | IRR   | 39.0 |
|          |       |         | SE         | SW  |               | IRR   | 40.0 |
|          |       |         | NE         | SE  |               | IRR   | 40.0 |
|          |       |         | NW         | SE  |               | IRR   | 40.0 |
|          |       |         | SW         | SE  |               | IRR   | 40.0 |
|          |       |         | SE         | SE  |               | IRR   | 40.0 |
|          |       |         |            |     | Section Acres | 619.0 |      |
|          |       | 16      | NW         | NW  |               | IRR   | 19.0 |
|          |       |         |            |     | Section Acres | 19.0  |      |
|          |       |         |            |     | Total Acres   | 918.0 |      |

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:

37-00803, 37-00355, 37-02476, 37-02305, 37-00682, 37-00683

MICROFILMED  
OCT 24 1994

14. Remarks:

OTHER RTS. CONTD. 37-07569, 37-00577BZ

\*\*\*DWR NOTE\*\*\*

CLAIM RE-ENTERED ON DATA BASE 11-07-89; SCC

\*\*\*\*\*

CHANGE OF OWNERSHIP 1/14/94 BY JG.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

\_\_\_\_\_  
Decree Plaintiff

vs

\_\_\_\_\_  
Decree 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 \_\_\_\_\_ 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: \_\_\_\_\_

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**

**OCT 24 1994**

Form 42-1409(7)



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type  
(see instructions on back of page)

RECEIVED

OCT-01 1993

Department of Water Resources  
Southern Region Office

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) A37-00803: A37-02476: A37-07569: A37-12400: A37-12401: A37-12402:  
Assigned by IDWR: 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: \_\_\_\_\_

OR (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.)

- [ ] 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 \_\_\_\_\_  
by Jan M. Wam, Asst Secy Date 9/7/93  
(Signature of former claimant(s) is not required if proof of ownership is attached.)

## FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 1/04/94 By: AC

Further Action Needed:

Further Action Taken

Date: \_\_\_\_\_ By: \_\_\_\_\_

Final Review and Data-Entry

Date: \_\_\_\_\_ By: \_\_\_\_\_

Claim Numbers of Split, if any:

MICROFILMED

OCT 24 1994

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

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

A37-0013k  
00113L  
00113MApplication for Extension of Time to Avoid Forfeiture  
of a Water Right

Department of Water Resources

Southern Region Office

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee.

1. Name of water right holder Frederick H. Blechmann Trust  
Post office address PO Box 184, Sun Valley, ID 83353
2. The right was obtained or is evidenced by:
  - a. Decree to Annie I. Harris, Burlington Savings Bank in Case of Annie I. Harris  
(Name)  
vs. Sewell H. Chapman ET AL, Dated 11-19-1929 in Fifth District  
(Name of Court)  
Court, County of Blaine. Fully describe decree \_\_\_\_\_
  - b. License No. \_\_\_\_\_ issued by the Department of Water Resources.
  - c. Claim No. \_\_\_\_\_ on file with the Department of Water Resources.
3. Source of water Big Wood River tributary to Majad River  
(Name of stream or source)
4. Date of priority of right 7-10-1884
5. Amount of water a. 4.0 cfs c.f.s. and/or  
b. \_\_\_\_\_ acre feet/annum
6. Water is used for Irrigation from 4-15 to 10-15  
(Purpose) (Month-Day) (Month-Day)
7. Location of point of diversion is SW 1/4 NE 1/4 of Section 16  
Township 2N, Range 18E, B.M., in Blaine County;  
Additional points of diversion, if any \_\_\_\_\_
8. Lands irrigated or place of use:

| Twp.      | Rge.       | Sec.     | NE 1/4    |        |        |           | NW 1/4    |           |           |           | SW 1/4    |        |        |        | SE 1/4 |        |        |        | Totals    |
|-----------|------------|----------|-----------|--------|--------|-----------|-----------|-----------|-----------|-----------|-----------|--------|--------|--------|--------|--------|--------|--------|-----------|
|           |            |          | NE 1/4    | NW 1/4 | SW 1/4 | SE 1/4    | NE 1/4    | NW 1/4    | SW 1/4    | SE 1/4    | NE 1/4    | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |           |
| <u>1N</u> | <u>18E</u> | <u>1</u> | <u>17</u> |        |        | <u>20</u> |           |           |           |           |           |        |        |        |        |        |        |        | <u>50</u> |
|           | <u>19E</u> | <u>6</u> |           |        |        |           | <u>14</u> | <u>15</u> | <u>30</u> | <u>40</u> | <u>10</u> |        |        |        |        |        |        |        | <u>80</u> |
|           |            |          |           |        |        |           |           |           |           |           |           |        |        |        |        |        |        |        |           |
|           |            |          |           |        |        |           |           |           |           |           |           |        |        |        |        |        |        |        |           |
|           |            |          |           |        |        |           |           |           |           |           |           |        |        |        |        |        |        |        |           |
|           |            |          |           |        |        |           |           |           |           |           |           |        |        |        |        |        |        |        |           |
|           |            |          |           |        |        |           |           |           |           |           |           |        |        |        |        |        |        |        |           |
|           |            |          |           |        |        |           |           |           |           |           |           |        |        |        |        |        |        |        |           |
|           |            |          |           |        |        |           |           |           |           |           |           |        |        |        |        |        |        |        |           |
|           |            |          |           |        |        |           |           |           |           |           |           |        |        |        |        |        |        |        |           |

MICROFILMED

Total number of acres irrigated 130

01-12-84 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: A37-00113C  
Date Received: 10/27/1988  
Receipt No: C004292  
Received By: DE: SCC

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  
GILBERTSON, BROWNSTEIN, RASK  
1200 S.S. MAIN BLDG.  
PORTLAND, OR 97205

2. Date of Priority: JUL 10, 1884

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 |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 03N      | 18E   | 20      | SW     |        | NW  |     | BLAINE |

5. Description of diverting works:  
DISTRICT 45 CANAL, DITCH, 2 250-HP PUMPS, 3 PIVOTS, HANDLINES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 1.000 |      |        |

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

8. Total consumptive use is 2295.0 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  |
| Section Acres |       |         |        |     |     |     | 16.0  |

A37-00113C

Page 1

Date: 11/07/89

MICROFILMED  
FEB 22 1993

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 01S      | 19E   | 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  |
|          |       |         | NE     | SW  |     | IRR | 40.0  |
|          |       |         | NW     | SW  |     | IRR | 39.0  |
|          |       |         | SW     | SW  |     | IRR | 39.0  |
|          |       |         | SE     | SW  |     | IRR | 40.0  |
|          |       |         | SE     | SE  |     | IRR | 40.0  |

Section Acres 264.0

|   |    |    |     |      |
|---|----|----|-----|------|
| 9 | NE | NE | IRR | 40.0 |
|   | NW | NE | IRR | 40.0 |
|   | SW | NE | IRR | 40.0 |
|   | SE | NE | IRR | 40.0 |
|   | NE | NW | IRR | 40.0 |
|   | NW | NW | IRR | 39.0 |
|   | SW | NW | IRR | 27.0 |
|   | SE | NW | IRR | 40.0 |
|   | NE | SW | IRR | 40.0 |
|   | NW | SW | IRR | 34.0 |
|   | SW | SW | IRR | 39.0 |
|   | SE | SW | IRR | 40.0 |
|   | NE | SE | IRR | 40.0 |
|   | NW | SE | IRR | 40.0 |
|   | SW | SE | IRR | 40.0 |
|   | SE | SE | IRR | 40.0 |

Section Acres 619.0

|    |    |    |     |      |
|----|----|----|-----|------|
| 16 | NW | NW | IRR | 19.0 |
|----|----|----|-----|------|

Section Acres 19.0

Total Acres 918.0

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:

37-00803, 37-00355, 37-02476, 37-02305, 37-00682, 37-00683

14. Remarks:

OTHER RTS. CONTD. 37-07569, 37-00577BZ  
A37-00113C Page 2

Date: 11/07/89

MICROFILMED  
FEB 22 1993

14. Remarks: Continued

\*\*\*DWR NOTE\*\*\*

CLAIM RE-ENTERED ON DATA BASE 11-07-89; SCC

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

\_\_\_\_\_  
Decree Plaintiff

vs

\_\_\_\_\_  
Decree 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 \_\_\_\_\_ 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: \_\_\_\_\_

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  
FEB 22 1993

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: A37-00113C

Date Received: 10/27/1988

Receipt No: C004292 *hal*

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  
GILBERTSON, BROWNSTEIN, RASK,  
1200 S.W. MAIN BLDG.  
PORTLAND, OR 97205

2. Date of Priority: JUL 10, 1884

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 |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 03N      | 18E   | 20      | SW     |        | NW  |     | BLAINE |

5. Description of diverting works:  
DISTRICT 45 CANAL, DITCH, 2 250 HP PUMPS, MAINLINE, 3 PIVOTS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 1.000  |      |        |

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

8. Total consumptive use is 2295.0 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  |
| Section Acres |       |         |        |     |     |     | 16.0  |

A37-00113C

Page 1

Date: 01/16/89

MICROFILMED  
FEB 22 1993

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 01S      | 19E   | 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  |
|          |       |         | NE     | SW  |     | IRR | 40.0  |
|          |       |         | NW     | SW  |     | IRR | 39.0  |
|          |       |         | SW     | SW  |     | IRR | 39.0  |
|          |       |         | SE     | SW  |     | IRR | 40.0  |
|          |       |         | SE     | SE  |     | IRR | 40.0  |

Section Acres 264.0

|   |    |    |     |      |
|---|----|----|-----|------|
| 9 | NE | NE | IRR | 40.0 |
|   | NW | NE | IRR | 40.0 |
|   | SW | NE | IRR | 40.0 |
|   | SE | NE | IRR | 40.0 |
|   | NE | NW | IRR | 40.0 |
|   | NW | NW | IRR | 39.0 |
|   | SW | NW | IRR | 27.0 |
|   | SE | NW | IRR | 40.0 |
|   | NE | SW | IRR | 40.0 |
|   | NW | SW | IRR | 34.0 |
|   | SW | SW | IRR | 39.0 |
|   | SE | SW | IRR | 40.0 |
|   | NE | SE | IRR | 40.0 |
|   | NW | SE | IRR | 40.0 |
|   | SW | SE | IRR | 40.0 |
|   | SE | SE | IRR | 40.0 |

Section Acres 619.0

|    |    |    |     |      |
|----|----|----|-----|------|
| 16 | NW | NW | IRR | 19.0 |
|----|----|----|-----|------|

Section Acres 19.0

Total Acres 918.0

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:

37-00803, 37-00683, 37-02476, 37-02305, 37-00682, 37-00355

14. Remarks:

OTHER RTS. CONTD. 37-07569, 3700577BZ

A37-00113C

Page 2

Date: 01/16/89

MICROFILMED  
FEB 22 1993

14. Remarks: Continued

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

\_\_\_\_\_  
Decree Plaintiff

vs

\_\_\_\_\_  
Decree 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 \_\_\_\_\_ 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  
Title

\_\_\_\_\_, that I have signed the foregoing

Organization  
document in the space below as \_\_\_\_\_ of

\_\_\_\_\_ Title  
and that the statements contained in the

Organization  
foregoing document are true and correct.

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Title and Organization

\_\_\_\_\_  
Date

MICROFILMED  
FEB 22 1993

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 \_\_\_\_\_

MICROFILMED  
FEB 22 1993

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 A37-00113C  
Date Received 10-27-88  
Receipt Number 0004292

RECEIVED

OCT 27 1988

Department of Water Resources  
Southern Region Office

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

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: July 10, 1884
3. Source of water supply (a) Big Wood River  
which is tributary to (b) Malad River
4. a. Location of point of diversion is:

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u><math>\frac{1}{4}</math></u> | <u><math>\frac{1}{4}</math></u> | <u><math>\frac{1}{4}</math></u> | <u>Lot</u> | <u>County</u> |
|-----------------|--------------|----------------|---------------------------------|---------------------------------|---------------------------------|------------|---------------|
| 3N              | 18E          | 20             |                                 | SW                              | NW                              |            | Blaine        |

Additional points of diversion if any: None.

- b. If instream flow, beginning point:

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

Ending point:

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

MICROFILMED  
FEB 22 1993

5. Description of existing diversion works: District 45 Canal. Water is taken from Canal to a head ditch and pumped by 2 250 HP pumps through buried mainline to 3 pivots with handlines for the corners and wheellines.

6. Water is claimed for following purposes:

| <u>Purpose</u> | <u>From</u> | <u>To</u>  | <u>Amount</u> |
|----------------|-------------|------------|---------------|
| Irrigation     | April 1     | November 1 | 1.0 cfs       |

7. Total Quantity Claimed: 1.0 cfs

8. Total consumptive use claimed is 2295 acre feet per annum.

9. Non-irrigation uses: None.

10. Place of use:

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u><math>\frac{1}{4}</math></u> | <u><math>\frac{1}{4}</math></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                  |
| 1S              | 19E          | 4              | NE                              | SW                              | I          | 40                  |
| 1S              | 19E          | 4              | NW                              | SW                              | I          | 39                  |
| 1S              | 19E          | 4              | SW                              | SW                              | I          | 39                  |
| 1S              | 19E          | 4              | SE                              | SW                              | I          | 40                  |
| 1S              | 19E          | 4              | SE                              | SE                              | I          | 40                  |
| 1S              | 19E          | 9              | NE                              | NE                              | I          | 40                  |
| 1S              | 19E          | 9              | NW                              | NE                              | I          | 40                  |
| 1S              | 19E          | 9              | SW                              | NE                              | I          | 40                  |
| 1S              | 19E          | 9              | SE                              | NE                              | I          | 40                  |
| 1S              | 19E          | 9              | NE                              | NW                              | I          | 40                  |
| 1S              | 19E          | 9              | NW                              | NW                              | I          | 39                  |
| 1S              | 19E          | 9              | SW                              | NW                              | I          | 27                  |
| 1S              | 19E          | 9              | SE                              | NW                              | I          | 40                  |
| 1S              | 19E          | 9              | NE                              | SW                              | I          | 40                  |
| 1S              | 19E          | 9              | NW                              | SW                              | I          | 34                  |

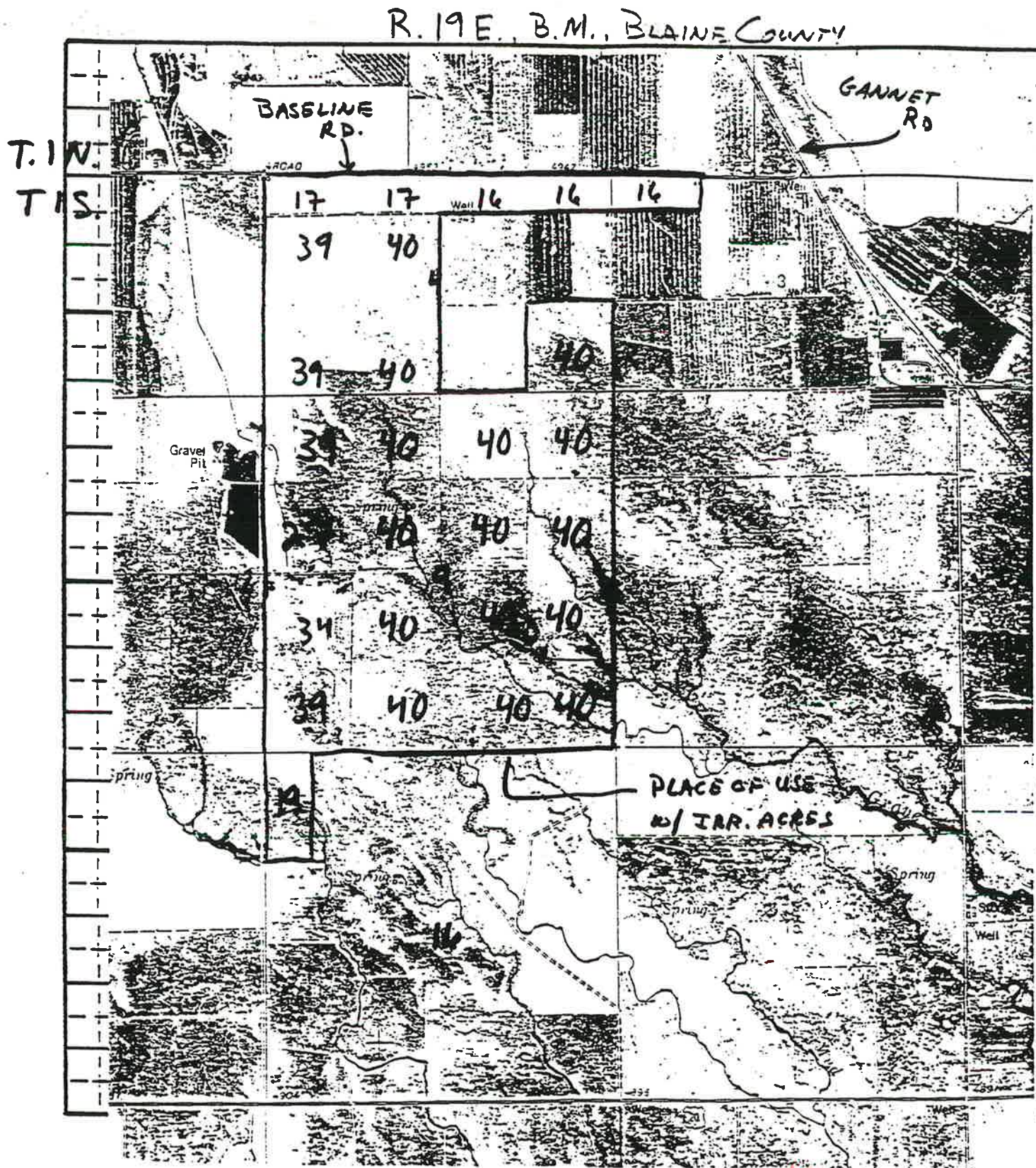
Last Name: Kerr Pacific Corp.

Ident No. \_\_\_\_\_

MICROFILMED  
FEB 22 1993

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

Scale: 2 inches equals 1 mile



Last Name

KERR PACIFIC CORP

Ident No.

MICROFILMED  
FEB 22 1993

| <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          | 9              | SW         | SW         | I          | 39                  |
| 1S              | 19E          | 9              | SE         | SW         | I          | 40                  |
| 1S              | 19E          | 9              | NE         | SE         | I          | 40                  |
| 1S              | 19E          | 9              | NW         | SE         | I          | 40                  |
| 1S              | 19E          | 9              | SW         | SE         | I          | 40                  |
| 1S              | 19E          | 9              | SE         | SE         | I          | 40                  |
| 1S              | 19E          | 16             | NW         | NW         | I          | 19                  |

Total number of irrigated acres: 918

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? 37-0803, 37-0577BA, 37-2476, 37-0682, 37-0683, 37-0684, 37-7569, 37-0355.

14. Remarks: The amount claimed represents the amount which has historically been delivered to the lands now owned by Claimant according to the watermaster's records. This claim and all of the surface rights identified in para. 13, above, are commingled and used together on the entire ranch through the same irrigation system. Place of use is claimed pursuant to Idaho Code §42-1416 to the extent it differs from the decree. The Department's records and database label this right 37-0113C; however, from the Decree it appears to be 37-0113E, as confirmed by Jim Stanton in the Twin Falls office. 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.

Last Name: Kerr Pacific Corp.

Ident No. \_\_\_\_\_

MICROFILMED  
FEB 22 1993

15. Basis of Claim: Decree  
IDWR Water Right Number: 37-0113E  
Court: Blaine County  
Case Number:  
Decree Date: November 19, 1929  
Plaintiff v. Defendant:

Annie I. Harris v. Sewell H. Chapman et al.

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 0

[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

S. Randolph Lable

Title of Organization

Kerr Pacific Corp.

Date 10-21-88

State of Oregon)

) ss.

County of Multnomah)

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

Notary Public

Ingrid M. Engeljan

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:

10/29/88

Last Name: Kerr Pacific Corp.

Ident No.: \_\_\_\_\_

MICROFILMED  
FEB 22 1993

01/08/2007

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

RIGHT NUMBER: 37-20641

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

VERIFIED BY *KKC*

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.960 CFS

PRIORITY DATE: 07/10/1884

POINT OF DIVERSION:

T02N R18E S36 NESWNW Lot 3 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          | 0.960 CFS       |

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            | 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 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

This right is limited to the irrigation of 33.3 acres within the place of use described above in a single irrigation season.

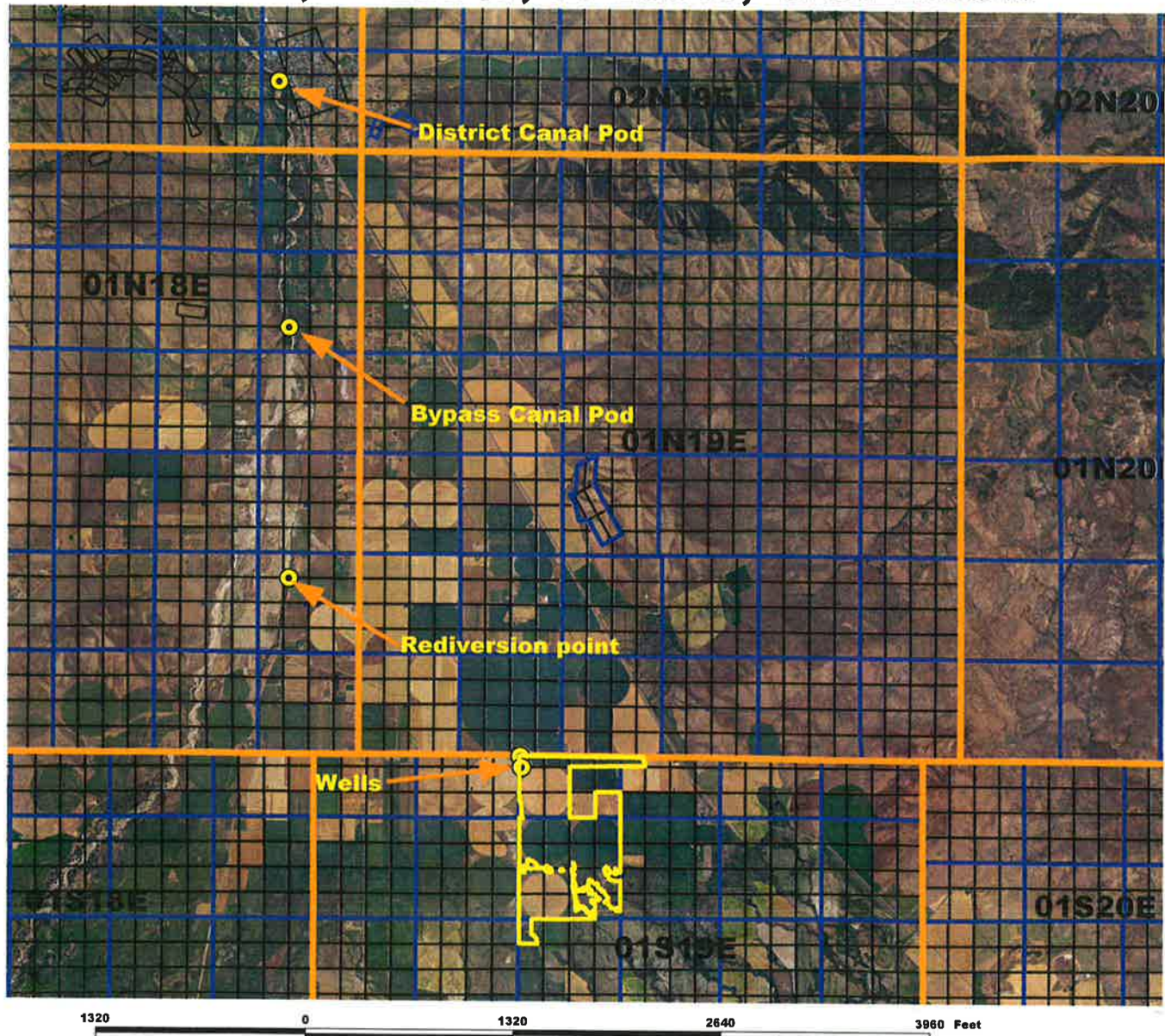
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF  
A COMBINED TOTAL OF 885 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS. 37-20635, 37-20639, 37-20641, 37-20643,  
37-20645, 37-20647, 37-20649, and 37-20651.

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

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

Idaho Department of Water Resources

**RECOMMENDED PLACE OF USE FOR  
37-20635, 37-20639, 37-20641, 37-20643,  
7-20645, 37-20647, 37-20649, & 37-20651.**



**PLACE OF USE**

**TWP 1S, RNG 19E, SEC 3, 4, 9, & 16**

**Data entry on January 8, 2007**

- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- TOWNSHIP LINES
- SECTION LINES
- QUARTER/QUARTER LINES



LOCATION IN BASIN

GIS PLACE OF USE PRESENTATION  
1987/1988 NAPP AERIAL PHOTOGRAPHY  
DATA ENTRY BY KELLY K CHRISTENSEN

**Basin 37**



11/27/2006

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

RIGHT NUMBER: 37-113C

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

VERIFIED BY KKC

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 07/10/1884

POINT OF DIVERSION:

T02N R18E S36 NESWNW Lot 3 Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/15 10/31          | 1.000 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 NENE       | 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

The rights listed below are limited to the irrigation of a combined total of 918 acres in a single irrigation season. Combined Right Nos.: 37-113C, 37-577BZ, 37-682, 37-683, 37-684, 37-355, 37-803, and 37-7569.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 34.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

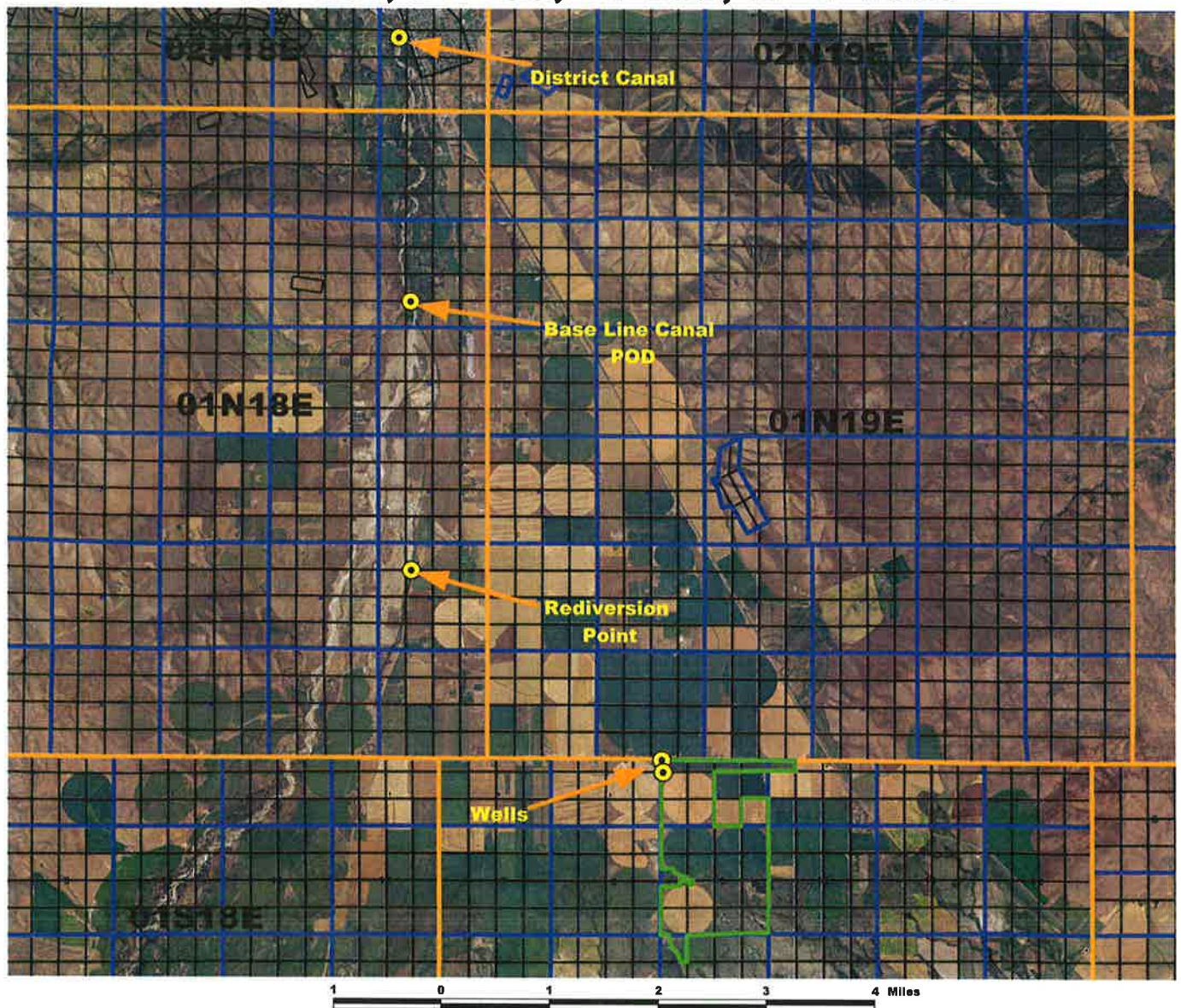
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

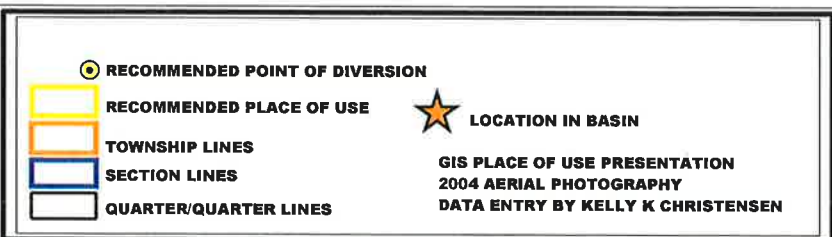
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Idaho Department of Water Resources

# RECOMMENDED PLACE OF USE FOR 37-113C, 37-577BZ, 37-682, 37-683, 37-684, 37-355, 37-803, & 37-7569



**PLACE OF USE**  
**TWP 1S, RNG 19E, SEC 3, 4, 9, & 16**  
 Data entry on November 28, 2006



## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 37-113C V1

WATER RIGHT NUMBER: 37-113C V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                                          |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Current Owner     | THE THOMAS M O GARA FAMILY TRUST<br>C/O BRIAN BARSOTTI<br>PO BOX 370<br>KETCHUM, ID 83340<br>(208)726-3030                       |
| Original Owner    | KERR PACIFIC CORP<br>C/O ANDREW P KERR<br>GILBERTSON BROWNSTEIN RASK<br>1200 SS MAIN BLDG<br>PORTLAND, OR 97205<br>(503)221-1772 |
| Attorney          | JOHN K SIMPSON<br>BARKER ROSHOLT & SIMPSON<br>PO BOX 2139<br>BOISE, ID 837012139                                                 |

Priority Date: 07/10/1884

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> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 11/01          | 1.000 CFS             | 2,295.00 AF          |
|                       | <u>Total Diversion:</u> | 1.000 CFS             | 2,295.00 AF          |

Location of Point(s) of Diversion

|                |            |                                 |
|----------------|------------|---------------------------------|
| BIG WOOD RIVER | SW1/4NW1/4 | Sec. 36, Twp 02N, Rge 18E, B.M. |
| 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   |        |
| 01S | 19E | 3   |      |      |             |             |      |      | 16.0<br>L 4 |             |      |      |      |      |      |      |      |      | 16.0   |
| 01S | 19E | 4   |      |      | 16.0<br>L 2 | 16.0<br>L 1 |      |      | 17.0<br>L 4 | 17.0<br>L 3 | 40.0 | 39.0 | 39.0 | 40.0 |      |      |      | 40.0 | 264.0  |
| 01S | 19E | 9   | 40.0 | 40.0 | 40.0        | 40.0        | 40.0 | 39.0 | 27.0        | 40.0        | 40.0 | 34.0 | 39.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 619.0  |
| 01S | 19E | 16  |      |      |             |             |      | 19.0 |             |             |      |      |      |      |      |      |      |      | 19.0   |

Total Acres: 918

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 37-113C V1

Conditions of Approval:

Remarks:

1. General OTHER RTS. CONTD. 37-07569, 37-00577BZ \*\*\*DWR NOTE\*\*\* CLAIM RE-ENTERED ON DATA BASE 11-07-89; SCC \*\*\*\*\* CHANGE OF OWNERSHIP 1/14/94 BY JG.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 3 4.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. GIVENS 1/14/1994 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 INSTALLMENT SALE CONTRACT (IN FILE NO. A37-00803) AND ORIGINAL OWNER SIGNING FORM.
2. tfawcett 2/8/2002 amended claim  
Comment: claim amended to correct the POD to more accurately reflect the actual delivery system. Barsottis mailing addres also updated.

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

## Fawcett, Trish

---

**From:** Crystal Vincent [cww@idahowaters.com]  
**Sent:** Friday, February 08, 2002 11:28 AM  
**To:** 'Fawcett, Trish'  
**Subject:** RE: Thomas O'Gara Family Trust

Hi....we do still represent them, but its John Simpson doing it from the Boise office.

Could you correct our address and name to show:

John K. Simpson  
BARKER ROSHOLT & SIMPSON  
P. O. Box 2139  
Boise ID 83701-2139

If you need anything from me, let me know...Thanks..

-----Original Message-----

From: Fawcett, Trish [mailto:tfawcett@idwr.state.id.us]  
Sent: Friday, February 08, 2002 11:04 AM  
To: Crystal Vincent (E-mail)  
Subject: Thomas O'Gara Family Trust

Hi Crystal,

A quick question for you. I am amending some of the O'Gara claims and was wondering if John was still representing them. If so, I will leave his name (as attorney) on the claims; if not, I will remove his name so your office does not receive any unwanted correspondence. Thanks much!

Trish



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

January 30, 2002

Mr. Doug Jones  
Idaho Department of Water Resources  
Southern Regional Office  
1341 Fillmore Street, Suite 200  
Twin Falls, ID 83301-3380

**RECEIVED**

**FEB 01 2002**

Department of Water Resources  
Southern Region

Re: The Thomas M. O'Gara Family Trust  
Water Right Adjudication Claims – Amended Claims

Dear Doug:

As requested, following are the amended claims for the Thomas M. O'Gara Family Trust. The claims have been amended to accomplish the following:

- 1) Correct the claims and representative acres to reflect the effective PPU which has historically occurred on the ranch.
- 2) Correct the POD on several claims to the correct POD and delivery system.
- 3) Correct the P.O. Box of Brian Barsotti listed on the address portion of the claims.

As you will note, I have marked all changes on each form with yellow highlighter. The areas not highlighted are per the existing claims filed with IDWR.

I have signed the amended claim forms and had them notarized. I have included a limited power of attorney form with these amended claim forms which validates our ability to sign for these forms.

Please notify our office if you have any problems amending these claims. I would be happy to meet with you to discuss any issues that you may have with the rights. Thank you and have a great day.

Sincerely,



Jeffrey S. Rau, P.E.

CHARLES E.  
BROCKWAY,  
Ph.D., P.E.

CHARLES G.  
BROCKWAY,  
Ph.D., P.E.

2016 NORTH  
WASHINGTON  
STREET • SUITE 4

TWIN FALLS,  
IDAHO 83301

208•736•8543

FAX: 736•8506

Attachment: Amended Water Right Claims (9 total)  
List of Water Rights with Same POU  
Limited Power of Attorney Form (Tom O'Gara)

Cc: Brian Barsotti

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIMS PROOF READING REPORT  
(REGIONAL)01/14/94 10:56:08  
Page 1

Water Right Number - R37-00113C

Prefix Translation: RESEARCH

Old (D) Number -

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

\*\*\* A - ATTORNEY \*\*\*

ROSHOLT

JOHN A

1 - ROSHOLT ROBERTSON &amp; TUCKER

2 - PO BOX 1906

3 -

City- TWIN FALLS

State- ID Zip- 833031906

Phone - 208-734-3030

\*\*\* 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

State- ID Zip- 83340

Phone - 208-726-3030

\*\*\* O - ORIGINAL OWNER \*\*\*

KERR PACIFIC CORP.

1 - C/O ANDREW P. KERR

2 - GILBERTSON, BROWNSTEIN, RASK

3 - 1200 S.S. MAIN BLDG.

City- PORTLAND

State- OR Zip- 97205

Phone - 503-221-1772

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +  
07/10/1884 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
BIG WOOD RIVER MALAD RIVER+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County  
03N 18E 20 SW NW (13) BLAINE+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
01 - IRRIGATION 04/01 11/01 1.000+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +  
1.000 2295.0+ - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County  
01S 19E 3 SW NW 4 16.0 01 IRRIGATION (13) BLAINE  
01S 19E 4 SW NE 2 16.0 01 IRRIGATION (13) BLAINE  
01S 19E 4 SE NE 1 16.0 01 IRRIGATION (13) BLAINE  
01S 19E 4 SW NW 4 17.0 01 IRRIGATION (13) BLAINE  
01S 19E 4 SE NW 3 17.0 01 IRRIGATION (13) BLAINE  
01S 19E 4 NE SW 40.0 01 IRRIGATION (13) BLAINE  
01S 19E 4 NW SW 39.0 01 IRRIGATION (13) BLAINE  
01S 19E 4 SW SW 39.0 01 IRRIGATION (13) BLAINE  
01S 19E 4 SE SW 40.0 01 IRRIGATION (13) BLAINEMICROFILMED  
OCT 24 1994

Water right number - R37-00113C

Prefix Translation: RESEARCH

| + - - - - Place of Use - - - - - + |     |     |       |     |       |      |             |        |        |
|------------------------------------|-----|-----|-------|-----|-------|------|-------------|--------|--------|
| Tw                                 | Rng | Sec | Tract | Lot | Acres | Code | Description | County |        |
| 01S                                | 19E | 4   | SE SE |     | 40.0  | 01   | IRRIGATION  | (13)   | BLAINE |
| 01S                                | 19E | 9   | NE NE |     | 40.0  | 01   | IRRIGATION  | (13)   | BLAINE |
| 01S                                | 19E | 9   | NW NE |     | 40.0  | 01   | IRRIGATION  | (13)   | BLAINE |
| 01S                                | 19E | 9   | SW NE |     | 40.0  | 01   | IRRIGATION  | (13)   | BLAINE |
| 01S                                | 19E | 9   | SE NE |     | 40.0  | 01   | IRRIGATION  | (13)   | BLAINE |
| 01S                                | 19E | 9   | NE NW |     | 40.0  | 01   | IRRIGATION  | (13)   | BLAINE |
| 01S                                | 19E | 9   | NW NW |     | 39.0  | 01   | IRRIGATION  | (13)   | BLAINE |
| 01S                                | 19E | 9   | SW NW |     | 27.0  | 01   | IRRIGATION  | (13)   | BLAINE |
| 01S                                | 19E | 9   | SE NW |     | 40.0  | 01   | IRRIGATION  | (13)   | BLAINE |
| 01S                                | 19E | 9   | NE SW |     | 40.0  | 01   | IRRIGATION  | (13)   | BLAINE |
| 01S                                | 19E | 9   | NW SW |     | 34.0  | 01   | IRRIGATION  | (13)   | BLAINE |
| 01S                                | 19E | 9   | SW SW |     | 39.0  | 01   | IRRIGATION  | (13)   | BLAINE |
| 01S                                | 19E | 9   | SE SW |     | 40.0  | 01   | IRRIGATION  | (13)   | BLAINE |
| 01S                                | 19E | 9   | NE SE |     | 40.0  | 01   | IRRIGATION  | (13)   | BLAINE |
| 01S                                | 19E | 9   | NW SE |     | 40.0  | 01   | IRRIGATION  | (13)   | BLAINE |
| 01S                                | 19E | 9   | SW SE |     | 40.0  | 01   | IRRIGATION  | (13)   | BLAINE |
| 01S                                | 19E | 9   | SE SE |     | 40.0  | 01   | IRRIGATION  | (13)   | BLAINE |
| 01S                                | 19E | 16  | NW NW |     | 19.0  | 01   | IRRIGATION  | (13)   | BLAINE |

Total Acres: 918.0

+ - - Diversion Means - DISTRICT 45 CANAL, DITCH, 2 250-HP PUMPS, 3 PIVOTS, HANDLINES

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 37-00803, 37-00355, 37-02476, 37-02305, 37-00682, 37-00683

+ - - - - - Remarks - - - - - +  
 OTHER RTS. CONTD. 37-07569, 37-00577BZ  
 \*\*\*DWR NOTE\*\*\*  
 CLAIM RE-ENTERED ON DATA BASE 11-07-89; SCC  
 \*\*\*\*\*  
 CHANGE OF OWNERSHIP 1/14/94 BY JG.

+ - - - - - Old Water Right Numbers - - - - - +  
 No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +  
 No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +      + - - - - Decree Defendant - - - +      + - Decree Date - +  
 00/00/0000

MICROFILMED  
OCT 24 1994

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| 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        | - D     |
|                      |              |                       |              | Notice of Error Flag    | -       |

IMMIGRATION  
OCT 24 1994

AJ0749NP  
No. R37-00113C

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

DATE: 01/14/94  
PAGE: 1

| OWNER<br>CODE | NAME & ADDRESS                                                                                                                  | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO                | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|---------------------------------------------------------------------------------------------------------------------------------|------------------|------------|--------------------------------------|-------------------|---------------------|
| C             | THE THOMAS M O GARA FAMILY TRUST<br>C/O BRIAN BARSOTTI<br>ATTORNEY AT LAW<br>PO BOX 10013<br>KETCHUM ID 83340<br>(208) 726-3030 | 07/10/1884       | IRRIGATION | 04-01 11-01                          | 1.00 CFS          |                     |
|               |                                                                                                                                 |                  |            | TOTAL DIVERSION:<br>CONSUMPTIVE USE: | 1.00 CFS          | 2295.0 AFA          |

Water Source: BIG WOOD RIVER

Tributary to: MALAD RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T03N R18E S20

SWNW

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  | : |    |    |    |    |       |       |    |    | 04-16 |       |    |    |    |    |    |    | :           | 16.0  |  |  |  |  |  |  |  |  |  |  |  |       |
| 01S | 19E | 4  | : |    |    |    |    | 02-16 | 01-16 |    |    | 04-17 | 03-17 |    |    | 40 | 39 | 39 | 40 | :           | 264.0 |  |  |  |  |  |  |  |  |  |  |  |       |
| 01S | 19E | 9  | : |    | 40 |    | 40 |       | 40    |    | 40 |       | 39    |    | 27 |    | 40 |    |    | :           | 619.0 |  |  |  |  |  |  |  |  |  |  |  |       |
| 01S | 19E | 16 | : |    |    |    |    |       |       |    |    | 19    |       |    |    |    |    |    |    | :           | 19.0  |  |  |  |  |  |  |  |  |  |  |  |       |
|     |     |    |   |    |    |    |    |       |       |    |    |       |       |    |    |    |    |    |    | TOTAL ACRES |       |  |  |  |  |  |  |  |  |  |  |  | 918.0 |

POU County: BLAINE

Other Rights: 37-00803, 37-00355, 37-02476, 37-02305, 37-00682, 37-00683

Remarks: OTHER RTS. CONTD. 37-07569, 37-00577BZ  
\*\*\*DWR NOTE\*\*\*  
CLAIM RE-ENTERED ON DATA BASE 11-07-89; SCC  
\*\*\*\*\*  
CHANGE OF OWNERSHIP 1/14/94 BY JG.

Dates: Exam Made Date: Verified Date:

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

MICROFILMED  
OCT 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

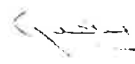
RE: ADJUDICATION CLAIM(S) A37-00803, A37-02476, A37-07569, A37-12400  
A37-12401, A37-12402, A37-00355, A37-00682, A37-00683, A37-00684  
A37-00113C, A37-00577BZ, A37-12403 OWNERSHIP CHANGE IN THE NAME  
OF KERR PACIFIC CORP. to THE THOMAS M. O'GARA FAMILY TRUST

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,

  
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**  
**OCT 24 1994**

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

| S                  | O |             |            |             |           | STATE |        |
|--------------------|---|-------------|------------|-------------|-----------|-------|--------|
| E                  | W | Water       | Priority   |             | Total     | Use   |        |
| L                  | N | Right No.   | Date       | Source      | Diversion | 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**

**OCT 24 1994**

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

OCT 24 1994

4 534

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

[Signature] 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 \_\_\_\_\_

Revised Date 4-03-92

RECEIVED

JAN 03 1994

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Department of Water Resources  
Southern Region Office

## ROSHOLT, ROBERTSON &amp; 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 2139  
BOISE, IDAHO 83701-2139  
TELEPHONE (208) 336-0700  
FAX (208) 344-0034

DATE:

TO:

FROM:

RE:

NUMBER OF PAGES INCLUDING THIS ONE: 3

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

THE INFORMATION CONTAINED IN THIS FACSIMILE COMMUNICATION IS ATTORNEY/CLIENT  
PRIVILEGED AND/OR CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE  
INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS COVER PAGE IS NOT THE  
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OR COPYING OF THIS COMMUNICATION OR THE INFORMATION CONTAINED HEREIN IS STRICTLY  
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CALL AT (208) 734-0700, AND RETURN THIS FACSIMILE TO US BY MAIL AT THE ABOVE ADDRESS.  
WE APPRECIATE YOUR COOPERATION.

## ADDITIONAL MESSAGE:

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

MICROFILMED

OCT 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

OCT 24 1994

IN WITNESS WHEREOF, the parties have executed this Assignment as of the dates set forth below.

Dated: 2/1/90

"O'Gara"

THE THOMAS M. O'GARA FAMILY TRUST

By [Signature]

Thomas M. O'Gara, Trustee

Dated: 1/31/90

"Smith"

[Signature]  
Gregory C. Smith

realest\ogara.asn

MICROFILMED

OCT 24

## Analysis of 37-00113B P/U & Flow Rates

- 1) 8.0 cfs decreed. Total P/U maybe 380 acres <sup>at most</sup> per orthophotographs.
- 2) Mel Swanson ~~claimed~~ <sup>stated</sup> 7.6 cfs on <sup>used</sup> 119 ac while he owned it.
- 3) Mel Swanson claimed 2.88 cfs on 119 ac. under A37-00113R.
- 4) Wood River Ranches claimed 4.0 cfs on 96 ac. of same land under A37-00113T.
- 5) Claims A37-00113P, N, Q<sub>2</sub> also claim part of original P/U - .62 cfs?  
23 acres
- 6) Total of 11.22 cfs is claimed, not including Wood River Ranch claim 113T.
- 7) Original P/U under 113A-J  $\approx$  705 ac.
- 8) P/U claimed under SRBA  $\approx$  1222.5 ac. (304.5 ac not counting claim A37-00113C. Said claim has numerous other rights, some of earlier priority than 0113C). Only 1 cfs on 0113C.
- 9) Right decreed to about 146 ac in E $\frac{1}{2}$  S, 36 2N 18E - not claimed with 7-10-1884 priority in SRBA.
- 10) It appears that the total annual volume of water diverted under 37-0113 has actually decreased (probably due to numerous subdivisions in Wood River Valley). Although I could not determine what happened to the rest of Mel Swanson's 380", but it does not appear that approval of the transfer would expand the use of 7-10-1884 water.

MICROFILMED  
FEB 22 1983

10/27/1988

## SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Ken Paa, Jr.

CLAIM - ENT. NO.

A37-00113 C

DATE RECEIVED

10-27-89

CK #

0004292

AMOUNT \$

1. Is the name and address complete with zip code? . . . . . YES ☒ NO ☐
2. Is a priority date entered? . . . . . YES ☒ NO ☐
- 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? . . . . . YES ☒ NO ☐  
(b) Is a tributary to entered? (if required) . . . . . N/A ☐
4. Is the legal description of the p.d. sufficient? . . . . . YES ☒ NO ☐
5. Is there a description of the diverting works? . . . . . YES ☒ NO ☐
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. . . . . YES ☒ NO ☐  
Is the period of use included? . . . . . YES ☒ NO ☐  
Is a quantity claimed for each use? . . . . . YES ☒ NO ☐
7. Is a total quantity claimed entered? . . . . . YES ☒ NO ☐
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. . . . . YES ☒ NO ☐
10. Is (are) the place(s) of use and purpose(s) indicated? . . . . . YES ☒ NO ☐
11. Is (are) the county(ies) entered? . . . . . YES ☒ NO ☐
12. Is the ownership of p.u. checked? . . . . . YES ☒ NO ☐
13. Are other water rights listed or "none" indicated? . . . . . YES ☒ NO ☐
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.) . . . . . YES ☒ NO ☐
15. Is the basis of the claim indicated? . . . . . YES ☒ NO ☐
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?) . . . . . YES ☒ NO ☐
- Has the claim been signed, sealed, and dated by a notary? . . . . . YES ☒ NO ☐
- Was this claim filed on time, or was an extension granted? . . . . . YES ☒ NO ☐
- Is the fee enclosed correct? . . . . . Exempt ☐
- If this claim is based on an existing water right, has the identification number been entered? . . . . . YES ☒ NO ☐
- Should this claim be receipted and data entered? . . . . . YES ☒ NO ☐

Claim checked by:

MICROFILMED  
AUG 22 1993

Comments:

During review, investigate the splits, re: Remarks.

Water Right Number - 37-00113E

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

\*\*\* C - CURRENT OWNER \*\*\*  
FISHER

MARY

1 -

2 -

3 -

City-

State-

Zip-

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +  
07/10/1884 17 D - DECREED+ - - - - Source - - - - + + - - - - - Tributary - - - - - +  
BIG WOOD RIVER MALAD RIVER+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

02N 18E 16 NW SE (13) BLAINE

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

01 - IRRIGATION

0.240

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

02N 18E 36 NW NE 01 IRRIGATION (13 ) BLAINE

02N 18E 36 SW NE 01 IRRIGATION (13 ) BLAINE

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

NOT MORE THAN 0.20 CFS IS TO BE DIVERTED FROM WHITTON DITCH.  
P. U. IS LOTS 1-6 OF BLOCK 76 IN CITY OF BELLEVUE.+ - - - - Conditions of Approval - - - - - +  
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +

HARRIS

+ - - - - Decree Defendant - - - +

CHAPMAN ET AL

+ - Decree Date - +

11/19/1929

MICROFILMED  
FEB 22 1989

Water right number - 37-00113E

Adj. flag translation: Standard Water Right Number

+ - - Microfilm Rolls -

+ - - Audit Fields - 10/01/87

05/28/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000  
Approved/Denied - 00/00/0000  
Proof Made Date - 00/00/0000  
Start Work Date - 00/00/0000  
Order Show Cause - 00/00/0000  
Licensed Date - 00/00/0000  
Decree Date - 11/19/1929

Field Exam Made - 00/00/0000  
Protested Date - 00/00/0000  
Hearing Date - 00/00/0000  
Verified Date - 00/00/0000  
Receipt Number -  
Appl Received - 00/00/0000

Field Exam Fee -  
Swan Falls -  
Temporary Right - P  
DLE/Carey Act -  
Water District - 37  
Transfer/Amended -

MICROFILMED  
FEB 22 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 10, 1990

RECEIVED

APR 12 1990

Kerr Pacific Corporation  
c/o James P. Speck  
Attorney at Law  
P.O. Box 987  
Ketchum, ID 83340

Department of Water Resources  
Southern Region Office

RE: Application for transfer no. 3576 in the name of Kerr Pacific Corporation, proposing to transfer portions of water rights nos. 37-0577 and 37-0113

Dear Jim:

I have reviewed transfer no. 3576. The transfer proposes a change in the point of diversion, and also states that the purpose of the transfer is to confirm the place of use where water has been historically used on the entire ranch.

Several water rights are appurtenant to the lands that are proposed as a final place of use for this transfer, but are not mentioned in the application for transfer. The appurtenant rights not only include portions of rights nos. 37-0577 and 37-0113, which are proposed for transfer, but both surface and ground water rights with dates of priority from 1883 to 1977.

I do not understand why rights 37-0577 and 37-0113 were singled out in the transfer. Several of the other rights which appear to be appurtenant to a portion of the proposed place of use show irrigated acreage much smaller than the total proposed place of use. It seems to me that if two of the rights were to be included, all of them should have been included. I will discuss all of the rights appurtenant to the place of use.

The Department has always viewed an increase in the number of acres irrigated under a particular right as an enlargement, which is one of the tests required by Idaho Code § 42-222 to be applied by the Department. In determining whether an increase in the number of acres irrigated is proposed, I begin with the earliest in time right, and determine whether the proposal will result in more acres irrigated than were authorized by the original right. This transfer is complicated by the fact that the Frost decree does not carefully describe places of use for any rights, particularly right no. 37-0577, which was decreed to W.T. Riley. The Frost decree, however, follows a fairly consistent policy of decreeing one miner's inch per acre.

MICROFILMED  
OCT 24 1994

37-0577 TR# 3576  
37-0113

Admittedly, there are some water rights which appear to be decreed at a lesser rate per acre, but I believe this inconsistency is a result of the place of use being described by ownership rather than by irrigated acreage. Many people in the Wood River Valley have recently represented that more than one inch per acre is necessary for irrigation of lands.

The following surface water rights are appurtenant to the place of use. Right no. 37-0577 has the earliest date of priority, March 24, 1883. Following in successive priority are 37-00682, April 17, 1883; 37-00355, May 17, 1883; 37-00113E, July 10, 1884; and finally right no. 37-00684, June 2, 1890.

Reid Newby has represented to me that in some of these low water years, he is even required to cut right no. 37-0577. Right 37-0577 is the right with the earliest date of priority. Other appurtenant rights will probably also be cut, including 37-00355 which authorizes the diversion of 5.6 cfs with a date of priority of May 17, 1883. This is the only right that authorizes diversion of a substantial amount of water.

I cannot in good conscience recommend that the small quantity of 0.69 cfs authorized for diversion by right 37-00577 be made appurtenant to 918 acres. In my opinion, this results in a gross enlargement of the right. At a rate of one miner's inch per acre, 0.69 should only irrigate approximately 35 acres. I believe that Kerr Pacific must identify 35 acres of ground to which water right 37-0577 is appurtenant, and also identify unenlarged acres for each right. As priority cuts are made, and the W.T. Riley right is the only right that is available for diversion, only the 35 acres would be authorized for irrigation from the Big Wood River.

This same reasoning applies also to the portion of 37-00113 which you wish to transfer. I believe the portion of 37-00113 you desire to transfer should only be appurtenant to 50 acres rather than the 118 acres claimed in the transfer.

I realize what I have suggested may be contrary to the amnesty statute of the Adjudication, Idaho Code § 42-1416. The Department of Water Resources is not authorized, however, in the administrative process, to recognize these enlargements prior to the adjudication. If you are seeking flexibility in the use of water, I am willing to discuss a method of allowing the acreage irrigated to change every year. Flexibility generally requires increased investigation, and your client may be required to pay an annual fee for additional monitoring.

MICROFILMED  
OCT 24 1994

Again, I will try to work with you if possible. Let's try to find a workable solution.

Respectively,

*Gary Spackman*

GARY SPACKMAN, Manager  
Water Right Permits Section

GS:js

cc. Southern Region

MICROFILMED  
OCT 24 1994

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 3576

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Name of applicant KERR PACIFIC CORPORATION Phone 208/726-4421Post Office address c/o James P. Speck, Hogue, Speck & Aanestad, P.O. Box 987  
Ketchum, ID. 83340

## A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes Combine all Big Wood River rights for ranch  
into the same point of diversion and delivery system/canal. Confirm  
place of use where water has been historically used on entire ranch.

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

| 1. Right Number           | Priority  | Amount<br>(cfs/ac-ft) | Nature<br>of Use | Period of Use    |
|---------------------------|-----------|-----------------------|------------------|------------------|
| 37-0577BA <del>Part</del> | 3/24/1883 | 0.69cfs               | irrigation       | Apr. 1 to Nov. 1 |
| 37-0113E <del>Part</del>  | 7/10/1884 | 1.0 cfs               | irrigation       | Apr. 1 to Nov. 1 |
|                           |           |                       |                  | to               |
|                           |           |                       |                  | to               |

2. Total amount of water being transferred 1.69 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.3. Source of water Big Wood River tributary to Malad River

4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion    |
|-----|-----|-----|-----|------|------|------|--------|-----------------------------|
|     |     | SW  | SW  | 12   | 1N   | 18E  | Blaine | Bypass canal                |
|     |     | NE  | NW  | 25-  | 1N   | 18E  | Blaine | Baseline Canal re-diversion |
|     |     |     |     |      |      |      |        |                             |
|     |     |     |     |      |      |      |        |                             |

5. Lands irrigated or place of use: See attached sheet (no actual change in P/U)

| Twp. | Rge. | Sec. | NE 1/4 |        |           |           | NW 1/4 |        |           |           | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|-----------|-----------|--------|--------|-----------|-----------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4    | SE 1/4    | NE 1/4 | NW 1/4 | SW 1/4    | SE 1/4    | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 1S   | 19E  | 3    |        |        |           |           |        |        | Lt4<br>16 |           |        |        |        |        |        |        |        |        | 16     |
|      |      | 4    |        |        | Lt2<br>16 | Lt1<br>16 |        |        | Lt4<br>17 | Lt3<br>17 | 40     | 39     | 39     | 40     |        |        |        | 40     | 264    |
|      |      | 9    | 40     | 40     | 40        | 40        | 40     | 39     | 27        | 40        | 40     | 34     | 39     | 40     | 40     | 40     | 40     | 40     | 619    |
|      |      | 16   |        |        |           |           |        | 19     |           |           |        |        |        |        |        |        |        |        | 19     |
|      |      |      |        |        |           |           |        |        |           |           |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |           |           |        |        |           |           |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |           |           |        |        |           |           |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |           |           |        |        |           |           |        |        |        |        |        |        |        |        |        |

MICROFILMED  
OCT 24 1994Total acres 91837-0577BA  
37-0113E  
Trest

# PART 1

## 6. General Information:

a. Description of diversion system Bypass Canal; Headgate No. 55-C and Baseline Canal from Bypass Canal. Water diverted from Baseline Canal to a head ditch, then pumped by two 250 HP pumps through buried mainline to pivots, handlines and wheelines.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: //N/A/ These rights have been used on the land in Sec. 3. 4. 9. & 16 T. 1S R. 19E for many years. The only thing that is actually changing under this transfer is the point of diversion.

d. Remarks: See Attached Sheet

## ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_  
And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

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Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. 37-0113E Decreed to Burlington Savings Bank  
in case of Annie I. Harris vs. Sewell H. Chapman, et al.  
dated 11/19/1929 in 4th District Court county of Blaine
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

3. Source of water Big Wood River tributary to Malad River

4. Date or priority 7/10/1884

5. Water is used for the following purpose:

amount 1.0 cfs for irrigation purposes from Apr. 1 to Nov. 1  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 1.0 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | ¼  | ¼  | ¼  | Sec. | Twp. | Rge. | County | Local name for diversion     |
|-----|----|----|----|------|------|------|--------|------------------------------|
|     | NE | SW | NW | 36   | 2N   | 18E  | Blaine | District 45 Canal & Headgate |
|     |    |    |    |      |      |      |        |                              |
|     |    |    |    |      |      |      |        |                              |

8. Lands irrigated or place of use: Decreed P/U, not historical P/U; see adjudication claim

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 1N   | 19E  | 6    |      |      |      |      |      | X    | X    | X    |      |      |      |      |      |      |      |      | 118.17 |
|      |      |      |      |      |      |      |      | 1+4  | 1+5  |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres

118.17

9. Describe any other water rights used for the same purpose as described above

137-05778A/1

MICROFILMED

OCT 24 1994

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe \_\_\_\_\_

### B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|---|---|------|------|------|--------|--------------------------|
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres \_\_\_\_\_

### C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|---|---|------|------|------|--------|--------------------------|
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. 37-0577BA Decreed to /W//T//R//E//L//E// Wood River Land Co.  
 in case of Albrethsen vs. Wood River Land Co.  
 dated 6/27/1925 in 4th District Court county of Blaine
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. 43, 45, etc. which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice

☐ Warranty Deed

☐ Other \_\_\_\_\_

3. Source of water Big Wood River tributary to Malad River

4. Date or priority 3/24/1883

5. Water is used for the following purpose:

amount 12.516 cfs for irrigation purposes from Apr. 1 to Nov. 1  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

6. Total amount of water under right 0.69 12.516 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | ¼  | ¼  | ¼  | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|----|----|----|------|------|------|--------|--------------------------|
|     | NE | SW | NW | 36   | 2N   | 18E  | Blaine | District 45 Canal        |
|     |    |    |    |      |      |      |        |                          |
|     |    |    |    |      |      |      |        |                          |

8. Lands irrigated or place of use: See Attached Sheet P/U is lands served by District Canal

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres \_\_\_\_\_

9. Describe any other water rights used for the same purpose as described above 137-0513E

**MICROFILMED**  
**OCT 24 1994**

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.69 cfs for Irrig. purposes from Apr 1 to Nov 1  
 (cfs/ac-ft) \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_

2. Point(s) of Diversion: Same

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |            |            |        | NW 1/4 |            |            |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|------------|------------|--------|--------|------------|------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4     | SW 1/4     | SE 1/4 | NE 1/4 | NW 1/4     | SW 1/4     | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 1S   | 19E  | 3    |        |            |            |        |        |            | Lt 4<br>16 |        |        |        |        |        |        |        |        |        | 16     |
|      |      | 4    |        | Lt 2<br>16 | Lt 1<br>16 |        |        | Lt 4<br>17 | Lt 3<br>17 | 40     | 39     | 39     | 40     |        |        |        | 40     |        | 264    |
|      |      | 9    | 40     | 40         | 40         | 40     | 40     | 39         | 27         | 40     | 40     | 34     | 39     | 40     | 40     | 40     | 40     | 40     | 619    |
|      |      | 16   |        |            |            |        |        | 19         |            |        |        |        |        |        |        |        |        |        | 19     |

Total acres 918**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 11.826 cfs for Irrig. purposes from Apr 1 to Nov 1  
 (cfs/ac-ft) \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft) \_\_\_\_\_

2. Point(s) of Diversion: Same

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use: Lands under District Canal minus above lands

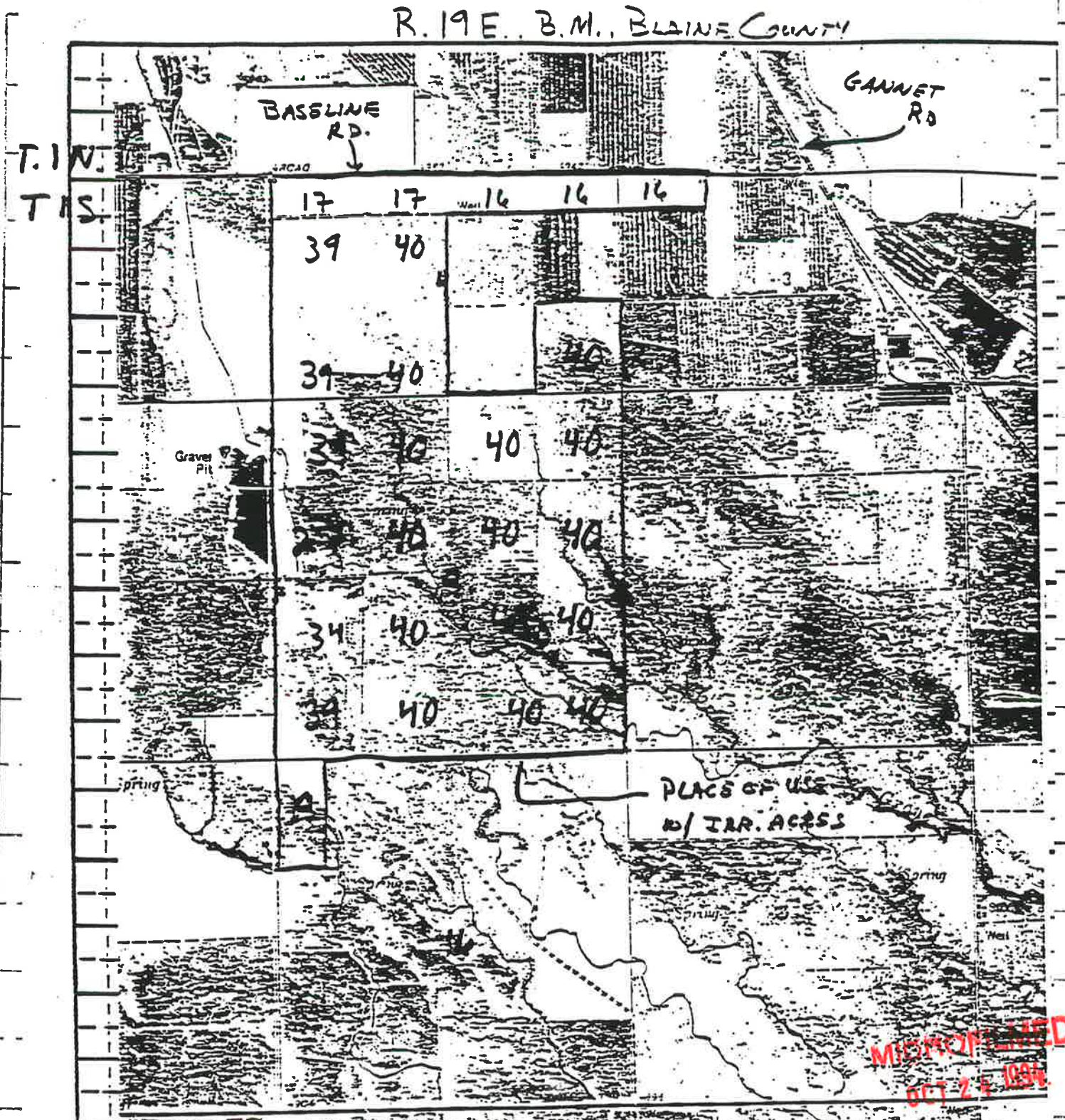
| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

POOR ORIGINAL

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



### PART 3

#### B. CHANGES IN NATURE OF USE

| 1. | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|----|-------------------|-----------------------|-----------------|---------------|
|    |                   |                       |                 | to _____      |
|    |                   |                       |                 | to _____      |

2. Quantity and quality of return flows and location of discharge:

\_\_\_\_\_

\_\_\_\_\_

3. Describe effects on other water uses resulting from the proposed change:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

*Ken Pacific Corporation*  
 X by *E. Randolph Fuller, President*  
 (Signature of Applicant)

Subscribed and sworn to before me this 13th day of April, 19 89.

*Callie L. Harper*  
 (Notary Public) for Oregon

My commission expires 3-10-92

#### FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 5 attachments

Received by SC Date 5/4/89 Protest filed by \_\_\_\_\_

Prelim. check by J. G. Allen Fee 52.00 check attached # 5007024

Receipted by LRP Date 5-4-89 5007024

Published in Wood River Journal Copies of protest forwarded by \_\_\_\_\_

Pub. dates 7/5 + 7/12/89 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on 6/23/89 Recommended for ☒ approval ☐ denial

\_\_\_\_\_ rec'd. 7/5/89 by [Signature]

Copy of transfer sent to lien holder \_\_\_\_\_

ATTACHMENT NO. 1 TO  
APPLICATION FOR TRANSFER OF WATER RIGHTS  
KERR PACIFIC CORP.  
37-0577BA  
37-0113E

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                  |
| 1S              | 19E          | 4              | NE         | SW         | I          | 40                  |
| 1S              | 19E          | 4              | NW         | SW         | I          | 39                  |
| 1S              | 19E          | 4              | SW         | SW         | I          | 39                  |
| 1S              | 19E          | 4              | SE         | SW         | I          | 40                  |
| 1S              | 19E          | 4              | SE         | SE         | I          | 40                  |
| 1S              | 19E          | 9              | NE         | NE         | I          | 40                  |
| 1S              | 19E          | 9              | NW         | NE         | I          | 40                  |
| 1S              | 19E          | 9              | SW         | NE         | I          | 40                  |
| 1S              | 19E          | 9              | SE         | NE         | I          | 40                  |
| 1S              | 19E          | 9              | NE         | NW         | I          | 40                  |
| 1S              | 19E          | 9              | NW         | NW         | I          | 39                  |
| 1S              | 19E          | 9              | SW         | NW         | I          | 27                  |
| 1S              | 19E          | 9              | SE         | NW         | I          | 40                  |
| 1S              | 19E          | 9              | NE         | SW         | I          | 40                  |
| 1S              | 19E          | 9              | NW         | SW         | I          | 34                  |
| 1S              | 19E          | 9              | SW         | SW         | I          | 39                  |
| 1S              | 19E          | 9              | SE         | SW         | I          | 40                  |
| 1S              | 19E          | 9              | NE         | SE         | I          | 40                  |
| 1S              | 19E          | 9              | NW         | SE         | I          | 40                  |
| 1S              | 19E          | 9              | SW         | SE         | I          | 40                  |
| 1S              | 19E          | 9              | SE         | SE         | I          | 40                  |
| 1S              | 19E          | 16             | NW         | NW         | I          | 19                  |

Total number of irrigated acres: 918

MICROFILMED  
OCT 24 1994

**ATTACHMENT NO. 2 TO  
APPLICATION FOR TRANSFER OF WATER RIGHTS  
KERR PACIFIC CORP.  
37-0577BA  
37-0113E**

6,d. Applicant owns the property listed on Attachment No. 1 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 water rights to be changed and all of the following-described water rights: 37-0682, 37-0684, 37-0355, 37-7569, 37-0577BA, 37-0113A, 37-2476, 37-0803, are commingled and used together on the entire ranch through the same irrigation system. The place of use after the requested change is the same as is claimed in the Snake River Basin Adjudication, where it is claimed pursuant to Idaho Code §42-1416 to the extent it differs from the decree.