STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1133

This Lease Contract ("**Lease**") is between the Idaho Water Resource Board ("**Board**"), and

LESSOR: THOMAS M O GARA FAMILY TRUST
C/O BRIAN BARSOTTI PO BOX 370
KETCHUM, ID 83340

RECEIVED
MAY 11 2020
DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.

2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on November 25, 2019.

3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS**: The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
37-11830	3/24/1883	Big Wood River, tributary to Malad River	0.20	Not Stated	304.5
37-804	4/1/1947	Ground Water	0.26	45.9	304.5
Combined Limit Total			0.26	**Not Stated**	304.5
37-577K	3/24/1883	Big Wood River, tributary to Malad River	0.20	Not Stated	304.5
37-2568	4/25/1955	Ground Water	0.46	77.4	304.5
Combined Limit Total			0.44	**Not Stated**	304.5
37-20643	3/24/1883	Big Wood River, tributary to Malad River	0.10	Not Stated	304.5
37-20645	5/17/1883	Big Wood River, tributary to Malad River	0.78	Not Stated	304.5
37-20641	7/10/1884	Big Wood River, tributary to Malad River	0.14	Not Stated	304.5
37-20647	4/17/1883	Big Wood River, tributary to Malad River	0.07	Not Stated	304.5
37-20649	6/20/1884	Big Wood River, tributary to Malad River	0.62	Not Stated	304.5
37-20651	6/2/1890	Big Wood River, tributary to Malad River	0.14	Not Stated	304.5
Combined Limit Total			0.83	**Not Stated**	304.5
37-501B	5/1/1886	Big Wood River, tributary to Malad River	0.06	Not Stated	304.5
37-501C	5/1/1886	Big Wood River, tributary to Malad River	0.29	Not Stated	304.5
37-590B	5/1/1886	Big Wood River, tributary to Malad River	0.14	Not Stated	304.5
37-597B	5/1/1886	Big Wood River, tributary to Malad River	0.10	Not Stated	304.5
37-115F	6/12/1886	Big Wood River, tributary to Malad River	0.14	Not Stated	304.5
37-2502	5/3/1949	Ground Water	0.72	134.7	304.5
Combined Limit Total			**0.77**	**Not Stated**	**304.5**

SUPPORT DATA
IN FILE # 37-115 F

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37-20639	6/15/1946	Ground Water	0.35	41.2	304.5
37-20637	2/12/1947	Ground Water	0.23	34.2	304.5
Combined Limit Total			**0.23**	**41.2**	**304.5**
37-2581	8/16/1955	Ground Water	0.43	170.6	304.5
37-2599	9/30/1957	Ground Water	0.22	85.3	304.5
37-2604	7/29/1958	Ground Water	0.36	142.2	304.5
37-2616	6/3/1959	Ground Water	0.43	169.5	304.5
37-7758	2/6/1979	Ground Water	0.50	75.4	304.5
Combined Limit Total			**1.94**	**362.8**	**304.5**
37-20635	3/8/1977	Ground Water	1.28	347.5	304.5
Combined Lease Totals			**8.00**	**Not Stated**	**304.5**

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
37-11830	0.20	45.9	13.1	0.02	3.5
37-804	0.26	45.9	13.1	0.02	3.5
Combined Limit Total	**0.03**	**45.9**	**13.1**	**0.02**	**3.5**
37-577K	0.20	77.4	22.1	0.01	3.5
37-2568	0.46	77.4	22.1	0.02	3.5
Combined Limit Total	**0.44**	**77.4**	**22.1**	**0.02**	**3.5**
37-20643	0.10	16.8	4.8	0.02	3.5
37-20645	0.78	155.1	44.3	0.02	3.5
37-20641	0.14	16.8	4.8	0.03	3.5
37-20647	0.07	135.8	38.8	0.01	3.5
37-20649	0.62	135.8	38.8	0.02	3.5
37-20651	0.14	135.8	38.8	0.01	3.5
Combined Limit Total	**0.83**	**135.8**	**38.8**	**0.02**	**3.5**
37-501B	0.06	134.7	38.5	0.01	3.5
37-501C	0.29	134.7	38.5	0.01	3.5
37-590B	0.14	134.7	38.5	0.01	3.5
37-597B	0.10	134.7	38.5	0.01	3.5
37-115F	0.14	134.7	38.5	0.01	3.5
37-2502	0.72	134.7	38.5	0.02	3.5
Combined Limit Total	**0.77**	**134.7**	**38.5**	**0.02**	**3.5**
37-20639	0.35	41.2	11.4	0.03	3.6
37-20637	0.23	34.2	11.4	0.02	3.0
Combined Limit Total	**0.23**	**41.2**	**11.4**	**0.02**	**3.5**
37-2581	0.43	170.6	103.7	0.01	1.7
37-2599	0.22	85.3	103.7	0.01	0.8
37-2604	0.36	142.2	103.7	0.01	1.4
37-2616	0.43	169.5	103.7	0.01	1.6
37-7758	0.50	75.4	25.1	0.02	3.0
Combined Limit Total	**1.94**	**362.8**	**103.7**	**0.02**	**3.5**
37-20635	1.28	347.5	115.8	0.01	3.0
Combined Limit Totals	**8.00**	**1,065.8**	**304.5**	**0.03**	**3.5**

**** The water right elements rentable have been reduced from the water right elements leased to account for conditional combined limits***

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2. **COMPENSATION**: The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

   Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE**: The term of this lease shall be January 1, 2020 to December 31, 2022. This Lease shall bind the parties and take effect when both parties have signed it.

4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**: The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.

6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.

7. **DUPLICATE ORIGINAL**: This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

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IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: THOMAS M O GARA FAMILY TRUST
C/O BRIAN BARSOTTI PO BOX 370
KETCHUM, ID 83340

By _____
Title Owner
Date May 5, 2020

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By _____ Date 5/21/2020
Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR _____ Date 5/21/2020

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ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 37-804

GROUND WATER	L3SENW	Sec. 3	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	L4NWSWNW	Sec 4	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	NWNWSW	Sec 4	Twp 01S	Rge 19E	BLAINE County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-20635, 37-20637, 37-20639,

GROUND WATER	L4NWSWNW	Sec. 4	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	NWNWSW	Sec. 4	Twp 01S	Rge 19E	BLAINE County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-11830, 37-115F, 37-501B, 37-501C, 37-590B, 37-597B, 37-577K, 37-20641, 37-20643

BIG WOOD RIVER	L3NESWNW	Sec. 36	Twp 02N	Rge 18E	BLAINE County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-2568

GROUND WATER	NWNWSE	Sec. 4	Twp 01S	Rge 19E	BLAINE County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-2502

GROUND WATER	L1NWSENE	Sec. 5	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	L4NWSWNW	Sec 4	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	NWNWSW	Sec 4	Twp 01S	Rge 19E	BLAINE County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-20645, 37-20647, 37-20649, 37-20651

BIG WOOD RIVER	NWSESW	Sec. 12	Twp 01N	Rge 18E	BLAINE County
BIG WOOD RIVER	NWSENW	Sec. 25	Twp 01N	Rge 18E	BLAINE County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-2581

GROUND WATER	NESWSE	Sec. 17	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	L4NWSWNW	Sec 4	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	NWNWSW	Sec 4	Twp 01S	Rge 193	BLAINE County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-2599

GROUND WATER	SESWSW	Sec. 16	Twp 01S	Rge 19E	BLAINE County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-2604

GROUND WATER	NENWSE	Sec. 17	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	L4NWSWNW	Sec 4	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	NWNWSW	Sec 4	Twp 01S	Rge 19E	BLAINE County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-2616

GROUND WATER	SWSWNW	Sec. 16	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	L4NWSWNW	Sec 4	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	NWNWSW	Sec 4	Twp 01S	Rge 19E	BLAINE County

Source and Location of Point(s) of Diversion for Water Right No(s): 37-7758

GROUND WATER	SWNESW	Sec. 16	Twp 01S	Rge 19E	BLAINE County
GROUND WATER (I)	NESWSW	Sec. 16	Twp 01S	Rge 19E	BLAINE County

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GROUND WATER (R)	SESENW	Sec. 16	Twp 01S	Rge 19E	BLAINE County
GROUND WATER (R)	NWSESE	Sec. 16	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	L4NWSWNW	Sec 4	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	NWNWSW	Sec 4	Twp 01S	Rge 19E	BLAINE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
37-804	IRRIGATION	04/15	to	10/31	0.26 cfs	45.9 AF
37-11830	IRRIGATION	04/15	to	10/31	0.20 cfs	45.9 AF
37-2568	IRRIGATION	04/15	to	10/31	0.46 cfs	77.4 AF
37-115F	IRRIGATION	04/15	to	10/31	0.14 cfs	134.7 AF
37-501B	IRRIGATION	04/15	to	10/31	0.06 cfs	134.7 AF
37-501C	IRRIGATION	04/15	to	10/31	0.29 cfs	134.7 AF
37-590B	IRRIGATION	04/15	to	10/31	0.14 cfs	134.7 AF
37-597B	IRRIGATION	04/15	to	10/31	0.10 cfs	134.7 AF
37-2502	IRRIGATION	04/15	to	10/31	0.72 cfs	134.7 AF
37-577K	IRRIGATION	04/15	to	10/31	0.20 cfs	77.4 AF
37-20635	IRRIGATION	04/01	to	11/01	1.28 cfs	347.5 AF
37-20637	IRRIGATION	04/01	to	11/01	0.23 cfs	34.2 AF
37-20639	IRRIGATION	04/01	to	11/01	0.35 cfs	41.2 AF
37-20641	IRRIGATION	04/01	to	11/01	0.14 cfs	16.8 AF
37-20643	IRRIGATION	04/15	to	10/31	0.10 cfs	16.8 AF
37-20645	IRRIGATION	04/01	to	11/01	0.78 cfs	155.1 AF
37-20647	IRRIGATION	04/01	to	11/01	0.07 cfs	135.8 AF
37-20649	IRRIGATION	04/15	to	10/31	0.62 cfs	135.8 AF
37-20651	IRRIGATION	04/01	to	11/01	0.14 cfs	135.8 AF
37-2581	IRRIGATION	04/15	to	10/31	0.43 cfs	170.6 AF
37-2599	IRRIGATION	04/15	to	10/31	0.22 cfs	85.3 AF
37-2604	IRRIGATION	04/15	to	10/31	0.36 cfs	142.2 AF
37-2616	IRRIGATION	04/15	to	10/31	0.43 cfs	169.5 AF
37-7758	IRRIGATION	04/01	to	11/01	0.50 cfs	75.4 AF
				Totals:	8.00 cfs	1,065.8 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	19E	15			24				27	35									86.0
01S	19E	20	40	20															60.0
01S	19E	21					37.5	40		41	40								158.5

Total Acres: 304.5

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.

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3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
    a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
    b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
13. Pursuant to Idaho Code § 42-1412(6), the water rights herein leased are subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
14. The water rights being leased, when combined with all other rights, shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation purposes.
15. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
16. Water diverted from Headgate #45 delivered through District Canal.
17. Use of water rights 37-20645, 37-20647, 37-20649 and 37-20651 is combined with water from Base Line Canal Co and is measured and administered at the point of rediversion.

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18. Water diverted under water right 37-7758 is exchanged by injecting water diverted under this right into Cain Creek at the point of injection described above, and diverting an equal amount from Chaney Creek at the points of rediversion described above.
19. Full beneficial use of all available surface water rights specific to this lease shall be accomplished prior to the use of supplemental ground water rights for irrigation purposes from water rights 37-2568, 37-20637 and 37-20639. The use of water under water rights 37-2568, 37-20637 and 37-20639 shall be limited to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient for irrigation purposes.
20. If the surface water rights associated with rights 37-2568, 37-20637 and 37-20639 are abandoned, forfeited, sold, transferred, leased or used on any other place of use, the rights to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
21. The leased extent of water rights 37-20637 and 37-20639 when combined shall not exceed a total annual maximum diversion volume of 41.2 af at the field headgate and the irrigation of 11.4 acres.
22. The unleased extent of water rights 37-20637 and 37-20639 when combined shall not exceed a total annual maximum diversion volume of 245.8 af at the field headgate and the irrigation of 67.7 acres.
23. The leased extent of water rights 37-804 and 37-11830 when combined shall not exceed a total diversion rate of 0.26 cfs and the irrigation of 13.1 acres.
24. The unleased extent of water rights 37-804 and 37-11830 when combined shall not exceed a total diversion rate of 1.564 cfs and the irrigation of 78.1 acres.
25. The leased extent of water rights 37-577K and 37-2568 when combined shall not exceed the irrigation of 22.1 acres.
26. The unleased extent of water rights 37-577K and 37-2568 when combined shall not exceed the irrigation of 131.9 acres.
27. The leased extent of water rights 37-115F, 37-501B, 37-501C, 37-590B, 37-597B and 37-2502 when combined shall not exceed the irrigation of 38.5 acres.
28. The unleased extent of water rights 37-115F, 37-501B, 37-501C, 37-590B, 37-597B and 37-2502 when combined shall not exceed the irrigation of 229.5 acres.
29. The leased extent of water rights 37-20647, 37-20649 and 37-20651 when combined shall not exceed the irrigation of 38.8 acres.
30. The unleased extent of water rights 37-20647, 37-20649 and 37-20651 when combined shall not exceed the irrigation of 231.3 acres.
31. The leased extent of water rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 when combined shall not exceed a total annual maximum diversion volume of 362.8 af at the field headgate and the irrigation of 103.7 acres.
32. The unleased extent of water rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 when combined shall not exceed a total annual maximum diversion volume of 2,163.2 af at the field headgate and the irrigation of 618.0 acres.
33. The leased extent of water use under water rights 37-20635, 37-20637, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, and 37-20651 when combined shall not exceed the irrigation of 127.1 acres.
34. The unleased extent of water use under water rights 37-20635, 37-20637, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, and 37-20651 when combined shall not exceed the irrigation of 757.9 acres.

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35. The leased extent of water rights 37-2502, 37-2568, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-20635, 37-20637 and 37-20639 when combined shall not exceed a total diversion rate of 4.97 cfs, a total annual maximum diversion volume of 963.7 af at the field headgate, and the irrigation of 291.4 acres.

36. The unleased extent of water rights 37-2502, 37-2568, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-20635, 37-20637 and 37-20639 when combined shall not exceed a total diversion rate of 29.62 cfs, a total annual maximum diversion volume of 5,745.8 af at the field headgate, and the irrigation of 1,737.3 acres.

37. The leased extent of ground water rights 37-804, 37-2502, 37-2568, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-20635, 37-20637, and 37-20639 when combined shall not exceed a total diversion rate of 5.23 cfs, a total annual maximum diversion volume of 1,009.6 af at the field headgate, and the irrigation of 304.5 acres.

38. The unleased extent of ground water rights 37-804, 37-2502, 37-2568, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-20635, 37-20637, and 37-20639 when combined shall not exceed a total diversion rate of 31.18 cfs, a total annual maximum diversion volume of 6,019.1 af at the field headgate, and the irrigation of 1,815.4 acres.

39. The leased extent of water rights 37-115F, 37-501B, 37-501C, 37-577K, 37-590B, 37-597B, 37-2502, 37-2568, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-20635, 37-20637, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, and 37-20651 when combined shall not exceed a total diversion rate of 7.74 cfs and the irrigation of 291.4 acres.

40. The unleased extent of water rights 37-115F, 37-501B, 37-501C, 37-577K, 37-590B, 37-597B, 37-2502, 37-2568, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-20635, 37-20637, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, and 37-20651 when combined shall not exceed a total diversion rate of 46.14 cfs and the irrigation of 1,737.3 acres.

41. The leased extent of water rights 37-115F, 37-501B, 37-501C, 37-577K, 37-590B, 37-597B, 37-804, 37-2502, 37-2568, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-11830, 37-20635, 37-20637, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, and 37-20651 when combined shall not exceed a total diversion rate of 8.00 cfs and the irrigation of 304.5 acres.

42. The unleased extent of water rights 37-115F, 37-501B, 37-501C, 37-577K, 37-590B, 37-597B, 37-804, 37-2502, 37-2568, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-11830, 37-20635, 37-20637, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, and 37-20651 when combined shall not exceed a total diversion rate of 47.70 cfs and the irrigation of 1,815.4 acres.

43. During the term of this lease, water rights 37-115F, 37-501B, 37-501C, 37-577K, 37-590B, 37-597B, 37-804, 37-2502, 37-2568, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-11830, 37-20635, 37-20637, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, 37-20651, 37-7663 and 37-8116 are limited to a maximum irrigation extent of 1,818 acres.

44. Water rights 37-115F, 37-501B, 37-501C, 37-577K, 37-590B, 37-597B, 37-804, 37-2502, 37-2568, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-11830, 37-20635, 37-20637, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, and 37-20651 are limited to the irrigation of a specific 2,119.9 acres within the 3,437.0 acre place of use authorized by these rights in a single irrigation season. The specific 2,119.9 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 2,119.9 acres to be irrigated within the 3,437.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

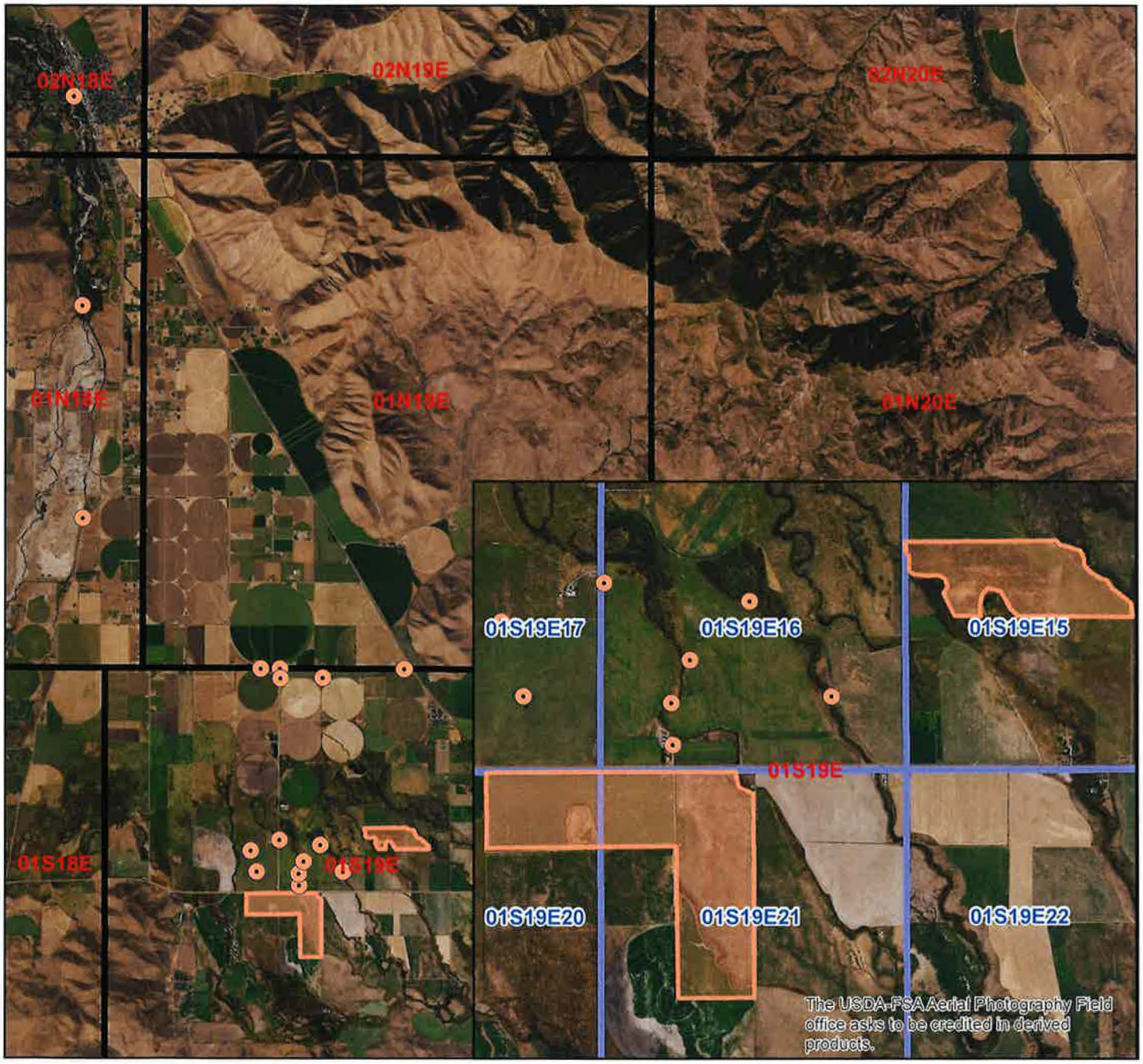
Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1133

37-115F, 37-501B, 37-501C, 37-590B, 37-597B, 37-2502, 37-577K, 37-2568, 37-804, 37-11830, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-20637, 37-20639, 37-20635, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649 and 37-20651

Effective until December 31, 2022

This map depicts the **place of use to be idled** pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



Township/Range

Sections

Approved Lease Point of Diversion

Approved Lease Place of Use

0 1 2 3 Miles

N

Form 42-1761-1 10/15

RECEIVED
NOV 25 2019
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT TO THE WATER SUPPLY BANK

Designated Applicant Thomas M. O'Gara Family Trust
(Select one owner – see item 1A on the application)

Water Right No. 37-20643
(One water right per application)

Is this application being submitted with a rental application as a lease/rental package? **Yes** ☑ **No** ☐

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Applications that do not meet the minimum requirements will not be processed and may be returned or denied.**

MIMUMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached* (Yes) or *Not Applicable* (N/A)

	Yes	
	☑	Completed *Application to Sell or Lease a Water Right to the Water Supply Bank.*
	☑	Application filing fee of $250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is $500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
	☑	Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment	N/A	Yes	
1A	☑	☐	Signatures and contact information for ***all owners*** of the water right to be leased or sold on this application.
1B	☐	☑	An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
1C	☑	☐	*Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
1D	☐	☑	Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
2	☐	☑	Description of a water right portion offered to the Water Supply Bank.
3	☐	☑	A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
4A	☐	☑	Written consent from irrigation district or water delivery company.
4G	☑	☐	Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount $ 500	Received By: AV	Date Received: 11/25/19	Receipt # C107989
W-9 received? Yes ☑ No ☐	(Route W-9 to Fiscal)	Name on W-9: Thomas M O'Gara Family Trust	

HGY

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant Thomas M. O'Gara Family Trust

Mailing Address PO Box 307 (Street) Ketchum (City) Idaho (State) 83340 (Zip Code)

Email Address barsotti1@mindspring.com Phone Number 208-726-3030

☑ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☑
If no, complete the form and attach to this application (Attachment 1B).

C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☑ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☑ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Zach Hill Organization Ecosystem Sciences, LLC

Professional Title Principal, Environmental Planning Email Address zthorne@ecosystemsciences.com

Mailing Address 202 N 9th Street, Ste 400 Boise, ID 83702 Phone Number 208-383-0226

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☑ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☐ The full water right is being offered to the Bank.

OR

☑ A part of the water right is being offered to the Bank.
If a portion of the water right is being offered, **complete Attachment 2**.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3**.

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☑ No ☐
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to Section 42-108, Idaho Code and IDAPA WSB Rule 37.02.03.25.02e.

B. Please provide a description of the current water diversion and delivery system.
Diverted from the Big Wood River or groundwater wells and delivered to distribution system on the applicants property within the PPU.

C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. Water rights combined in PPU boundary and limited to 2119.9 acres of irrigation. Rights in PPU: 37-115F, 501B, 501C, 577K, 590B, 597B, 804, 2502, 2568, 2581, 2599, 2604, 2616, 7758, 11830, 20635, 20637, 20639, 20641, 20643, 20645, 20647, 20649, 20651

D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☑ No ☐

Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of $500.

E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☑

If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased. _____

F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. See Table 1 and Table 2

G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☑

If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed. _____

H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe. Yes ☐ No ☑

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☑?

If lease, specify the years when the use of water will be suspended: 2020 (Year) to 2021 (Year) (maximum lease period 5 calendar years).

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

Current rental rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

Signature of Designated Applicant	Brian Barsotti Printed Name	11/19/2019 Date
Signature of Authorized Representative	Zach Hill Printed Name	11/19/2019 Date

Mail to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

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STATE OF IDAHO
WATER RESOURCE BOARD

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

1.

Water Right Number	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
37-20643	Irrigation	0.10	NA	304.5
	Total Amounts:	0.10	NA	304.5

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

3. Point(s) of diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
2N	18E	36	3	NE	SW	NW	Blaine