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

WATER SUPPLY BANK LEASE CONTRACT No. 1133

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***

WATER SUPPLY BANK LEASE CONTRACT No. 1133

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1133

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1133

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1133

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.

WATER SUPPLY BANK LEASE CONTRACT No. 1133

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.

WATER SUPPLY BANK LEASE CONTRACT No. 1133

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.

WATER SUPPLY BANK LEASE CONTRACT No. 1133

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.

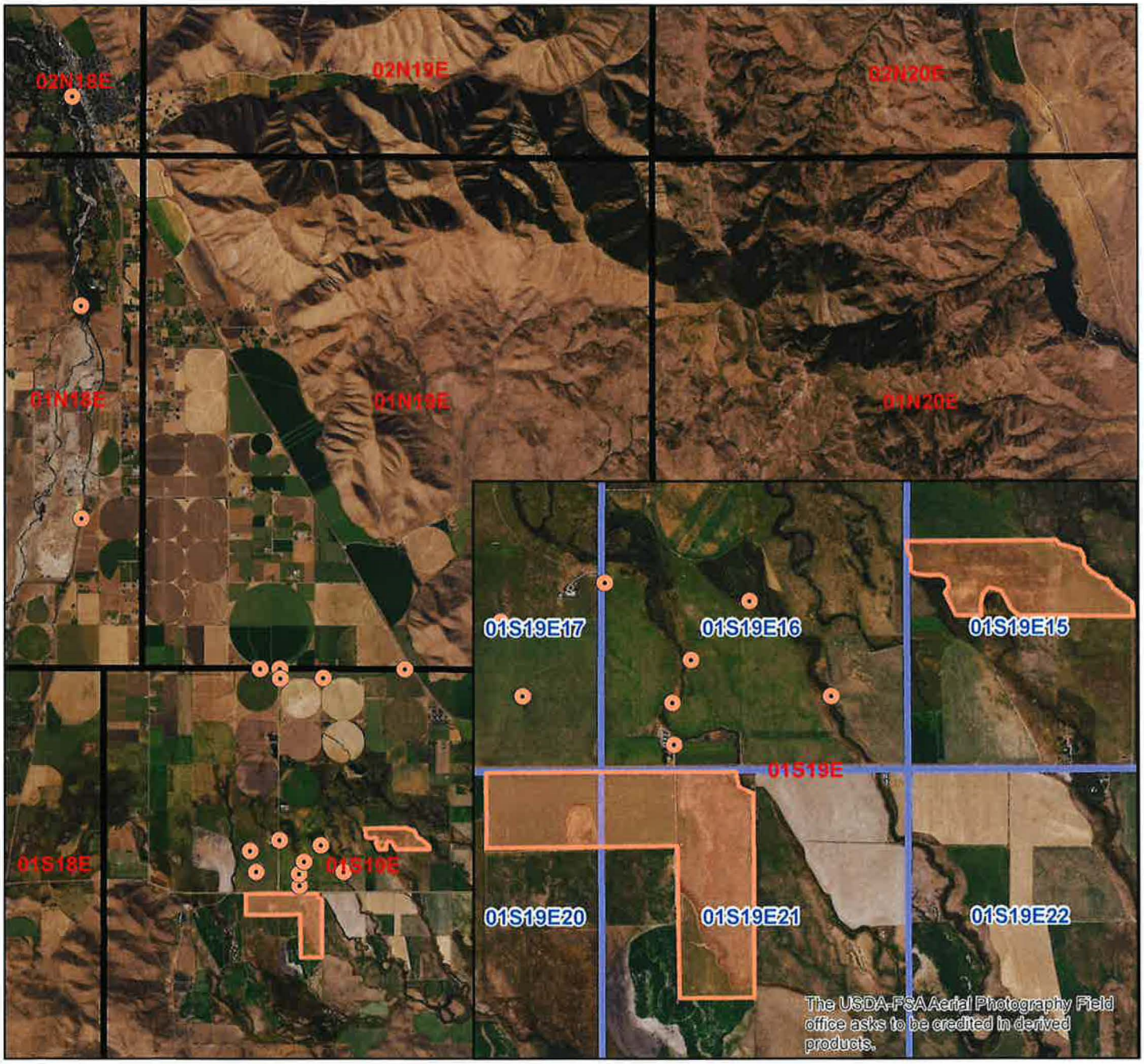
44. Water rights 37-115F, 37-501B, 37-501C, 37-577K, 37-590B, 37-597B, 37-804, 37-2502, 37-2568, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-11830, 37-20635, 37-20637, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, and 37-20651 are limited to the irrigation of a specific 2,119.9 acres 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

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
NOV 25 2019
DEPARTMENT OF WATER RESOURCES

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. 37-115F
(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	

1492

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

Form 42-1761-1 10/15

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)
37-115F	Irrigation	0.14	NA	304.5
	Total Amounts:	0.14	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

Table 1. Summary of Water Rights and Combined Limits

Water Right Number					Water Right		Water Bank Lease		
BASIN	WR #			SOURCE	Rate (cfs)	Volume (acft)	Rate (cfs)	Volume (acft)	
37	115	F	acp	Big Wood River - District 45	1.00	NA	0.14	NA	hjt
37	501	B	acp	Big Wood River - District 45	0.40	NA	0.06	NA	hjt
37	501	C	acp	Big Wood River - District 45	2.00	NA	0.29	NA	hjt
37	590	B	acp	Big Wood River - District 45	1.00	NA	0.14	NA	hjt
37	597	B	acp	Big Wood River - District 45	0.70	NA	0.10	NA	hjt
37	2502		abcop	Groundwater	5.00	938	0.72	134.7	hijst
37	577	K	adp	Big Wood River - District 45	1.38	NA	0.20	NA	hkt
37	2568		abdop	Groundwater	3.20	539	0.46	77.4	hikst
37	804		aoqr	Groundwater	1.82	319	0.26	45.8	hsuv
37	11830		aqr	Big Wood River - District 45	1.38	NA	0.20	NA	huv
37	2581		abeop	Groundwater	3.00	1188	0.43	170.6	hilst
37	2599		abeop	Groundwater	1.50	594	0.22	85.3	hilst
37	2604		abeop	Groundwater	2.50	990	0.36	142.2	hilst
37	2616		abeop	Groundwater	2.98	1180	0.43	169.5	hilst
37	7758		abeop	Groundwater	3.50	525	0.50	75.4	hilst
37	20635		abfop	Groundwater	8.88	2420	1.28	347.5	himst
37	20637		abgfop	Groundwater	1.58	238	0.23	34.2	hinmst
37	20639		abgfop	Groundwater	2.45	287	0.35	41.2	hinmst
37	20641		afp	Big Wood River - District 45	0.96	NA	0.14	NA	hmt
37	20643		afp	Big Wood River - District 45	0.67	NA	0.10	NA	hmt
37	20645		afp	Big Wood River - Baseline	5.40	NA	0.78	NA	hmt
37	20647		afpx	Big Wood River - Baseline	0.48	NA	0.07	NA	hmty
37	20649		afpx	Big Wood River - Baseline	4.34	NA	0.62	NA	hmty
37	20651		afpx	Big Wood River - Baseline	0.96	NA	0.14	NA	hmty

Water Right Combined Limits

a Limited to 55.7 cfs and 2119.9 acres of irrigation
b Limited to 34.59 cfs and 6709.5 acft on 2028.7 acres of irrigation
c Limited to 268 acres
d Limited to 154 acres
e Limited to 2526 acft and 721.7 acres
f Limited to 885 acres
g Limited to 287 acft and 79.1 acres
o Limited to 36.41 cfs and 7028.7 acft on 2119.9 acres of irrigation
p Limited to 53.88 cfs and 2028.7 acres of irrigation
q Limited to 91.2 acres
r Limited to 1.84 cfs and 91.2 acres
x Limited to 270.1 acres

Leased Water Combined Limits

h Limited to 8.0 cfs and 304.5 acres of irrigation
i Limited to 5.0 cfs and 963.7 acft on 291.4 acres of irrigation
j Limited to 38.5 acres
k Limited to 22.1 acres
l Limited to 362.8 acft and 103.7 acres
m Limited to 127.1 acres
n Limited to 41.2 acft on 11.4 acres of irrigation
s Limited to 5.2 cfs and 1009.6 acft on 304.5 acres of irrigation
t Limited to 7.7 cfs and 291.4 acres of irrigation
u Limited to 13.1 acres
v Limited to 0.3 cfs and 13.1 acres
y Limited to 38.8 acres

Table 2. Summary of Leased Water Rights

SOURCE	Rate (cfs)	Volume (acft)
Big Wood River - District 45	1.36	NA
Groundwater	5.23	1324.1
Big Wood River - Baseline	1.61	NA
Total	8.20	1324.1

November 19, 2019

To Whom It May Concern:

I, Thomas M. O'Gara, Trustee of the Thomas M. O'Gara Family Trust, hereby appoint Zach Hill, of Ecosystem Sciences, as the authorized representative and agent for the Thomas M. O'Gara Family Trust to represent the designated applicant on the Application to Sell or Lease Water Rights to the Water Supply Bank, State of Idaho, Water Resources Board, dated November 19, 2019.

Sincerely,

Thomas M. O'Gara, Trustee of the
Thomas M. O'Gara Family Trust

SPECIAL POWER OF ATTORNEY

I, **THOMAS M. O'GARA, Trustee of the Thomas M. O'Gara Family Trust**, do hereby make, constitute and appoint **BRIAN BARSOTTI**, a resident of Blaine County, Idaho, full and lawful special attorney in fact, for me, in my name, to act for me individually and/or as Trustee of the Thomas M. O'Gara Family Trust dated July 8, 1982, as amended and restated, in any and all ways, in any manner connected with or related to the Application to Sell or Lease a Water Right to the Water Supply Bank, State of Idaho, Water Resource Board, by Thomas M. O'Gara Trust as applicant related to water rights appurtenant to Silver Springs Ranch in Blaine County, Idaho.

In connection with the foregoing, I expressly authorize my said special attorney in fact to do any and all of the following in relation thereto: to make, sign, execute, acknowledge and deliver any and all documents, of whatever kind and nature, necessary for the Application to Sell or Lease a Water Right to the Water Supply Bank, State of Idaho, Water Resource Board.

I further give to my special attorney in fact full power and authority to do and perform all and every act or thing which may be necessary or convenient in connection with any of the foregoing, as fully, to all intents and purposes, as I might or could do if personally present, hereby satisfying and confirming all that my said special attorney in fact shall lawfully do or cause to be done by authority hereof.

This power of attorney shall expire on November 1, 2020, unless sooner terminated by recordation of a Notice of Termination in the official records of Blaine County, Idaho.

DATED this 18 day of November, 2019.

Thomas M. O'Gara, Trustee of the
Thomas M. O'Gara Family Trust

STATE OF CALIFORNIA)
) ss.:
County of Los Angeles)

On this 18 day of ~~September, 2014,~~ November, 2019 before me, the undersigned, a Notary Public in and for said State, personally appeared **THOMAS M. O'GARA, Trustee of the Thomas M. O'Gara Family Trust,** known to me to be the person whose name is subscribed to the foregoing instrument, and duly acknowledged to me that he executed the same on behalf of said Trust.

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

Notary Public for California
Residing at Los Angeles
Commission expires: May 22, 2020

powerofattorney\specialpoa.ogara2

JESSICA SEGURA
Notary Public - California
Los Angeles County
Commission # 2154215
My Comm. Expires May 22, 2020

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

On NOV 18, 2019 before me, Jessica Segura, Notary Public
Date *Here Insert Name and Title of the Officer*

personally appeared Thomas M D'Cava
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

JESSICA SEGURA
Notary Public - California
Los Angeles County
Commission # 2154215
My Comm. Expires May 22, 2020

Signature _____
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact	☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator	☐ Trustee ☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____

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November 14, 2019

HAND DELIVERED

Idaho Department of Water Resources

Re: Silver Spring Ranch Application to Place Water in Idaho State Water Bank

We have discussed the Silver Spring Ranch application to place water into the Idaho State Water Bank with applicant Tom O'Gara and/or his representative and consent to the application.

Baseline Canal Company

By: Rocky Shedgine

November 14, 2019

HAND DELIVERED

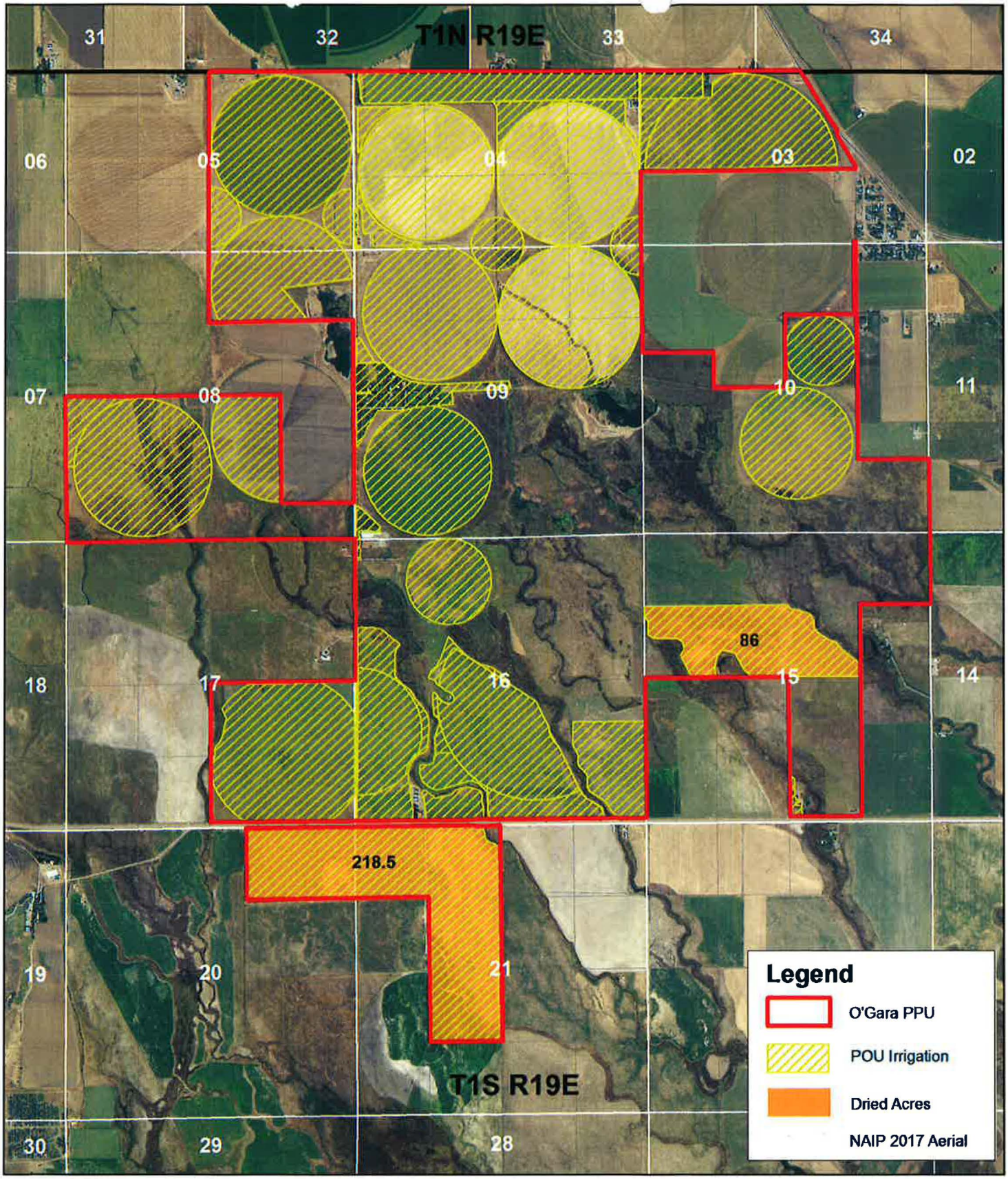
Idaho Department of Water Resources

Re: Silver Spring Ranch Application to Place Water in Idaho State Water Bank

We have discussed the Silver Spring Ranch application to place water into the Idaho State Water Bank with applicant Tom O'Gara and/or his representative and consent to the application.

South Valley Groundwater District

By: Kristy Molyneux
Chairperson



O'Gara - Silver Spring Ranch

N

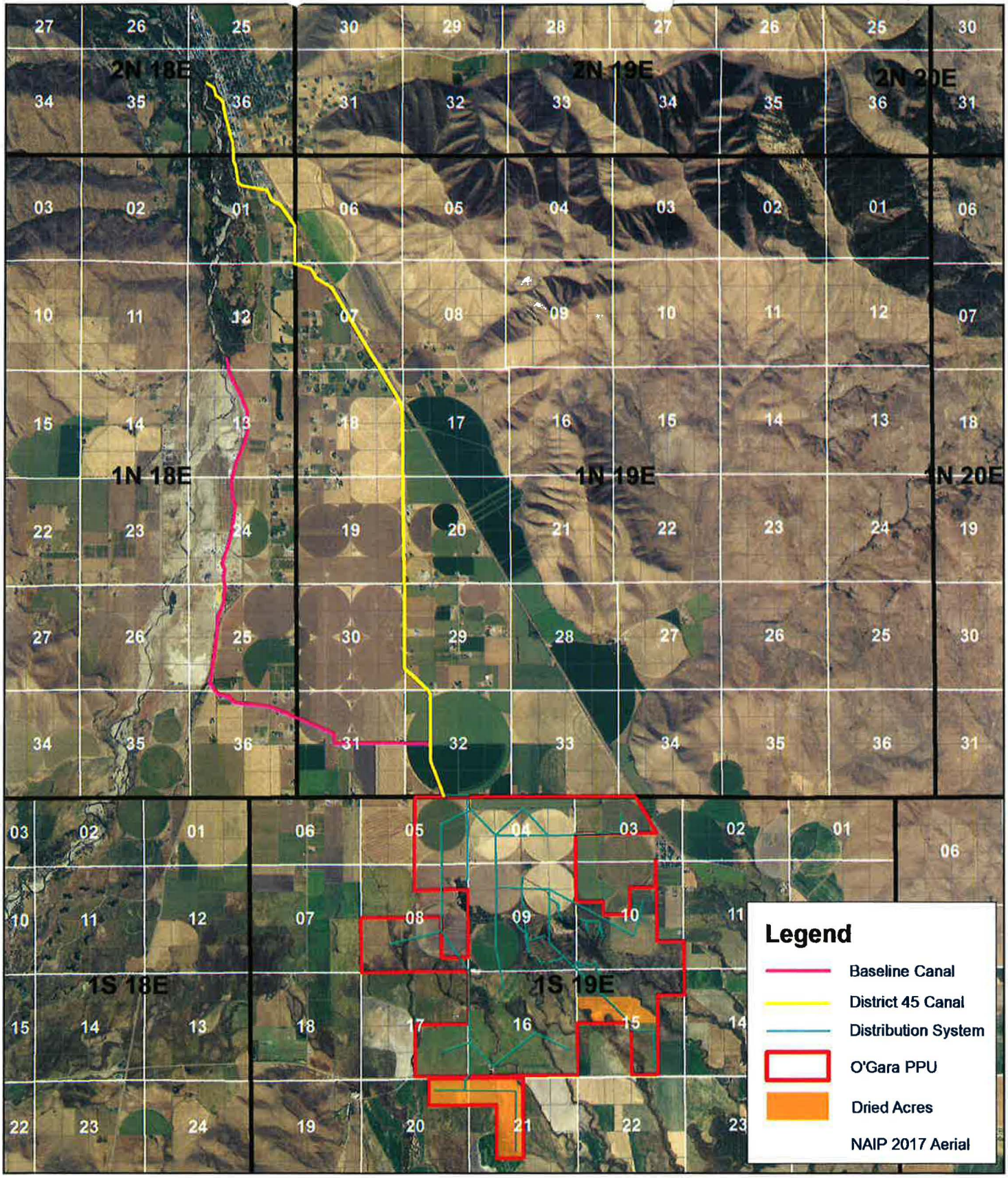
2020 Proposed Water Bank - Dried Acres

Allowed Irrigation = 2,119.9 Acres
Dried Acres =304.5 Acres

0 0.5 1
Miles

Ecosystem Sciences, LLC
Science Design Planning

Disclaimers - This map (or data product) is for illustration purposes only. It is not intended to be used for description, conveyance, authoritative definition of legal boundary, or property title. This is not a survey product. Users are encouraged to examine the documentation or metadata associated with the data on which this map is based for information related to its accuracy, currentness, and limitations.



O'Gara - Silver Spring Ranch

N

2020 Proposed Water Bank Application

POD, POU, Delivery & Distribution Systems

0 1 2
Miles

Ecosystem Sciences, LLC
Science Design Planning

Disclaimers - This map (or data product) is for illustration purposes only. It is not intended to be used for description, conveyance, authoritative definition of legal boundary, or property title. This is not a survey product. Users are encouraged to examine the documentation or metadata associated with the data on which this map is based for information related to its accuracy, currentness, and limitations.

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700
Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 22, 2020

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

RE: WATER SUPPLY BANK LEASE CONTRACT 1133
FOR WATER RIGHTS 37-11830, 37-804, 37-577K, 37-2568, 37-20643, 37-20645, 37-20641, 37-20647, 37-20649, 37-20651, 37-501B, 37-501C, 37-290B, 37-597B, 37-115F, 37-2502, 37-20639, 37-20637, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-20635

Dear Lessor:

Water rights **37-11830, 37-804, 37-577K, 37-2568, 37-20643, 37-20645, 37-20641, 37-20647, 37-20649, 37-20651, 37-501B, 37-501C, 37-290B, 37-597B, 37-115F, 37-2502, 37-20639, 37-20637, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-20635** were leased into the Water Supply Bank (Bank) as of January 1, 2020, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank**. More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2022,** unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Southern Region
Water District No. 37
Zach Hill- Ecosystem Sciences LLC

GREYHAWK ALPINE CENTER
215 PICABO ST., SUITE 304
P.O. BOX 370
KETCHUM, IDAHO 83340

BRIAN BARSOTTI
ATTORNEY AT LAW

PHONE: 208-726-3030
FAX: 208-726-2922
E-MAIL: barsotti1@mindspring.com

May 7, 2020

RECEIVED
MAY 11 2020
DEPARTMENT OF
WATER RESOURCES

State of Idaho
Department of Water Resources
322 E. Front Street, Suite 648
Boise, ID 83720

Re: Application to Lease Water Right

Dear State of Idaho Department of Water Resources:

I have enclosed the two original Water Supply Bank Lease Contracts that was sent to our office. They have been reviewed and signed. Please review at your convenience.

If you have any questions regarding this matter, please contact Brian Barsotti's office.

Very truly yours,

Brian J. Barsotti

Enclosure

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700
Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 29, 2020

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

RE: APPLICATION TO LEASE WATER RIGHT 37-11830, 37-804, 37-577K, 37-2568, 37-20643, 37-20645, 37-20641, 37-20647, 37-20649, 37-20651, 37-501B, 37-501C, 37-290B, 37-597B, 37-115F, 37-2502, 37-20639, 37-20637, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-20635 TO THE WATER SUPPLY BANK; CONTRACT 1133

******TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature**. **Please sign and return ALL Lease Contracts within 14 days**. Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will automatically be released from the Bank on **December 31, 2022,** unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at http://www.idwr.idaho.gov. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

> "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."

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

for Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt # C107989

c. Zach Hill – Ecosystem Sciences LLC

Buyer, Remington

From: watermanager@cableone.net
Sent: Wednesday, January 22, 2020 10:29 AM
To: Skinner, Corey; Buyer, Remington
Subject: RE: O'Gara WSB Lease Proposal

I'm good with it.

Kevin Lakey
Water District 37

From: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Sent: Tuesday, January 21, 2020 8:57 AM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>; watermanager@cableone.net
Subject: RE: O'Gara WSB Lease Proposal

I am good with this if Kevin is good. It does look like they updated their 206 map in late 2019. It looks like the acres to be leased are covered under their latest 206 map.

From: Buyer, Remington
Sent: Friday, January 17, 2020 5:19 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; watermanager@cableone.net
Subject: O'Gara WSB Lease Proposal

Corey, Kevin,

The Thomas O'Gara Trust has proposed to lease into the Bank 304.5 of their 2,119.9 irrigable acres under 24 of their water rights, appurtenant to their property in the Bellevue Triangle. Attached to this email are my review memo, map and draft lease contract.

Within the next two weeks, could you please respond with any questions, comments or concerns you might have about the lease proposal and/or review. If we don't receive comment timely from you, we will presume there are no concerns with the lease.

Thank you, and have a nice weekend,

Remington

Buyer, Remington

From: Skinner, Corey
Sent: Tuesday, January 21, 2020 8:57 AM
To: Buyer, Remington; watermanager@cableone.net
Subject: RE: O'Gara WSB Lease Proposal

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Thank you, and have a nice weekend,

Remington

Memorandum

To: Water Supply Bank Application 1494
From: Remington Buyer
Date: January 17, 2020
Re: Water Supply Bank lease for portions of Thomas O'Gara water rights

Purpose/Narrative: An application was received from the Thomas M O'Gara Family Trust (the "Trust"), via their representative, Zach Hill of Ecosystem Sciences, on November 25, 2019. The applicant is proposing to lease into the Bank a 304.5 acre portion of irrigation 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, 37-20637, 37-20639, 37-20635, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649 and 37-20651. The water rights authorize irrigation of up to 2,119.9 acres within a 3,437 acre permissible place of use (PPU), which is entirely located on land owned by the applicant in the Bellevue Triangle area of Blaine County.

Of the applicant's 24 irrigation-specific water rights, nine authorize diversion and delivery of Big Wood River water via the District #45 (Bellevue) Canal and associated infrastructure, four authorize diversion and delivery of Big Wood River water via Baseline Canal, and eleven authorize diversions of ground water, of which, three ground water rights are supplemental to surface water rights. Each of the 24 irrigation water rights feature conditions that limit overall water use, when accomplished via more than one water rights, to no more than 0.02 cfs/ac and 3.5 afa/acre. Many of the surface water rights, some of the ground water rights, and some combined limit amounts authorize diversion rates in excess of 0.02 cfs/ac, however presumably this is to allow for conveyance losses in the delivery system. Overall, irrigation use is limited to 55.70 cfs from all sources, for the irrigation of 2,119.9 acres (0.026 cfs/ac), however based on combined limit amounts, irrigation use is limited to 42.39 cfs and 7,419.65 afa, for the irrigation of 2,119.9 acres.

Beyond the 24 combined, irrigation water rights, there are xx additional water rights specific to the irrigation PPU. Two water rights (37-11542 and 37-11560) do not belong to the applicant and authorize diversions of 0.07 cfs for domestic and stock watering purposes. The applicant also holds an additional 21 water rights which collectively authorize diversions of Big Wood River and ground water for domestic, irrigation stock watering, wildlife storage, ground water recharge, and recreational purposes, as follows:

Water Use	Source	Water Rights	Div. Rate	Div. Volume
Domestic	Ground Water	37-7663, 37-11732, 37-12370, 37-12400, 37-12529, 37-12401 and 37-12402	**0.28 cfs**	Not Fully Defined
Stockwater	Ground Water	37-7663, 37-12402 and 37-12403	**0.16 cfs**	Not Fully Defined
Irrigation	Ground Water	37-7663 and 37-8116	**0.05 cfs**	**9.1 afa**
Diversion to storage for Wildlife Storage	Ground Water	37-20636	**0.32 cfs**	**73.8 afa**
		37-20638 and 37-20640	**0.15 cfs**	**7.3 afa**
		37-20636, 37-20638 and 37-20640	**0.47 cfs**	**81.1 afa**
	Big Wood River	37-20642, 37-20644	**0.04 cfs**	**6.00 afa**
		37-20646, 37-20648, 37-20650 and 37-20652	**2.22 cfs**	**45.8 afa**
	Big Wood River & Ground Water	37-20636, 37-20646, 37-20648, 37-20650 and 37-20652	**2.54 cfs**	**73.8 afa**
		37-20638, 37-20640, 37-20642 and 37-20644	**0.19 cfs**	**7.3 afa**
Wildlife Storage, and Ground Water Recharge	Waste Water	37-20653 and 37-20654	50.0 cfs	*7,880
Wildlife Storage, Recreation Storage	**Ground Water	37-20899		7.4 afa

* Conditional combined limited diversion volume,
** Ground water is shallow ground water emerging naturally (not pumped) in excavated ponds.

Table 1 – Additional water rights appurtenant the lease place of use

Authority to File: Each of the 24, combined-limited irrigation water rights is listed as belonging to the Thomas M O'Gara Family Trust, and they are appurtenant to land owned by the Thomas M O'Gara Trust. No concerns about the authority of the Trust to file lease applications. Each lease application has been signed by Brian Barsotti and Zach Hill. A special power of attorney document has been provided by Mr. Thomas M O'Gara, on behalf of the Trust, authorizing Mr. Barsotti to execute water right leases on behalf of the Trust. Additionally, a letter from Mr. O'Gara, on behalf of the Trust, authorizes Mr. Hill to represent the Trust on lease the applications. No concerns about Mr. Barsotti or Mr. Hill's authority to represent the Trust on the leases. Furthermore, written consent has been provided for the lease from the Baseline Canal Company, the Wood River Valley Irrigation District #45, and the Triangle Irrigation District. No further concerns about authority to file.

Water Right Validity/Forfeiture Evaluation: The 24 irrigation water rights were decreed in 2009 and 2010. In 2012, Transfer 76658 combined 22 of the 24 water rights (37-804 and 37-11830 were not part of Transfer 76658), to authorize irrigation of 2,028.7 acres within a 3,345 acre PPU. Following Transfer 76658, 32.0 acres under water rights 37-2581, 2599, 2604, 2616 and 7758 were leased into the Bank from 2013 through 2017, and then again, from 2018 through 2019. Additionally, 42.1 acres of water rights 37-20635, 20637, 20639, 20641, 20643, 20645, 20647, 20649 and 20651 were leased into the Bank from 2014 through 2018.

A "206 map" was provided to IDWR at the beginning of 2015, identifying 1,838.9 acres to be irrigated from 2015 through 2019. In addition to these acres, 74.1 acres were leased to the Bank, leaving a balance of 115.7 acres (2,028.7 – 1,838.9 – 74.1) that were not proposed for either active irrigation, nor for lease. It is unclear what the applicant intended to do with these 74.1 acres.

In September of 2015, IDWR approved Transfer 80114, which added water rights 37-804 and 37-11830 to the applicant's water right portfolio, and thereby increased the overall permissible irrigable acreage to the present 2,119.9 acres within a 3,437 acre PPU. The approximate boundaries of the 1,838.9 acres intended to be actively irrigated during 2015 through 2019 (per the 2015 "206 map") are represented by the blue polygons in Image 1 on the next page. These 1,838.9 acres are drawn within the 3,345 acre permissible place of use, which is outlined in yellow in Image 1. The additional 92 acres added to the PPU through Transfer 80114 are represented by the purple polygon in Image 1, while the leased 74.1 acres are the greyed out, green bordered polygons.

Of the 304.5 acres proposed to be leased through application 1494 (represented by the red polygons in Image 1), there are two separate acreages proposed for lease; 86.0 acres are proposed for lease on land from which Mud, Grove and Wilson Creek emerge, while a further 218.5 acres are proposed for lease on land south of State Highway 20, on land located between Cain Creek and Patton Creek. Of the 218.5 acres proposed for lease, 32.0 acres are already leased to the Bank under lease contract 814.

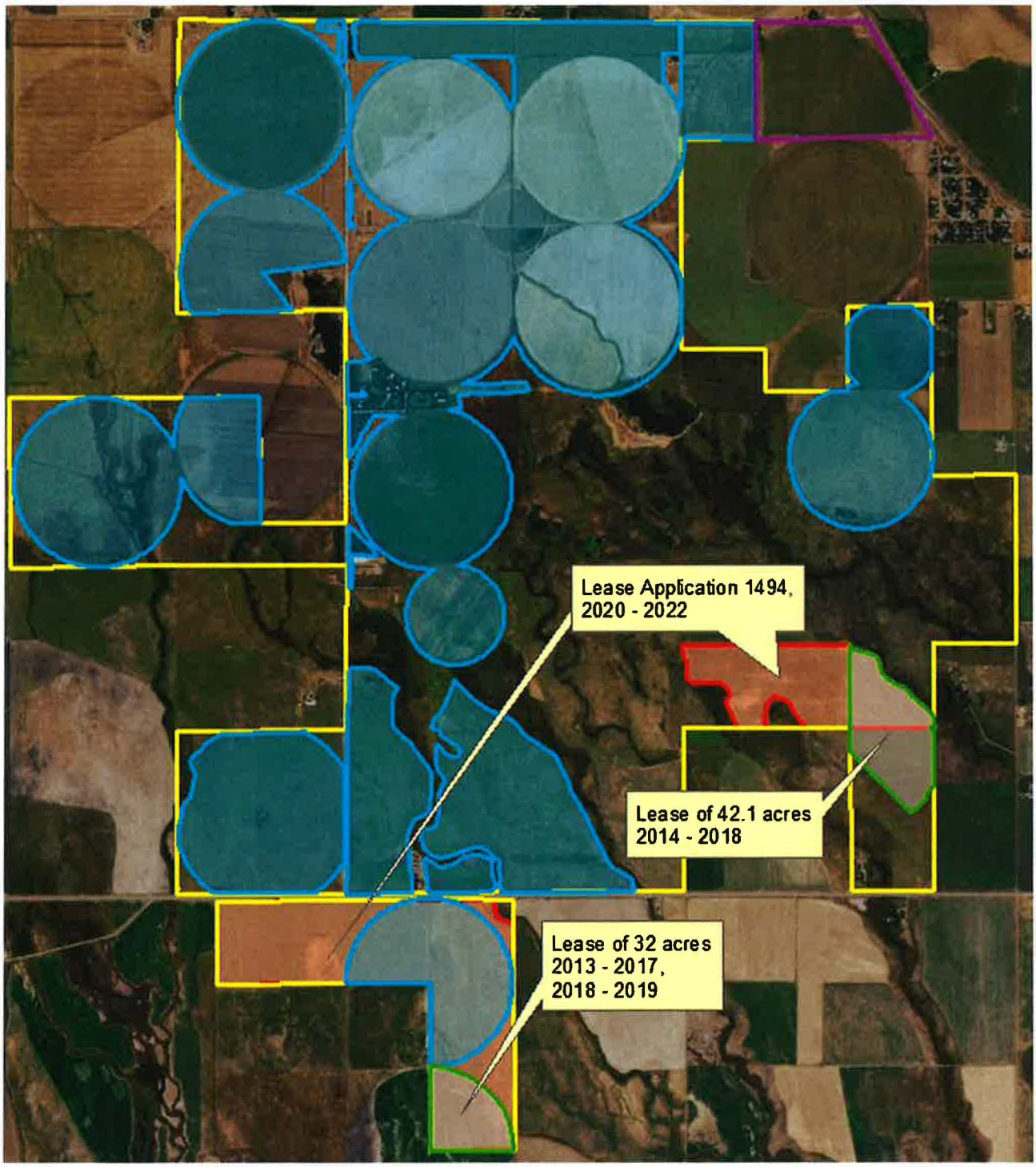


Image 1 – Acres to be irrigated (2015-2019), leased (2013-2022) and permissible place of uses

A review of sentinel satellite imagery from 2018 and 2019 reveals that much of the 3,437 acre PPU is heavily vegetated throughout the irrigation season. (Appendix A of this memo features sentinel satellite near infrared imagery.) The evidence of vegetation supports the notion that the applicant's water rights may have been used for irrigation purposes, which would affirm their validity.

Additionally, ground water diversion measurements recorded in IDWR's Water Management Information System (WMIS) affirm that, from 2015 through 2019, an annual average of 1,503.6 af of water was pumped from wells associated with the applicant's water rights, of which a majority would have been for irrigation purposes. No concerns about water right validity.

WMIS ID	Diversion Name	Water Rights from well	Annual Diversion Volumes (acre feet)					
			2015	2016	2017	2018	2019	Average
1001162	West of Price & Baseline	37-2502	178.96	461.45	0.34	243.00	195.63	215.9
1001116*	Corner of Price & Baseline Rd	37-804, 37-2502, 37-2581, 37-2604, 37-2616, 37-7758, 37-20635, ***37-20636***, 37-20637, ***37-20638***, 37-20639, ***37-20640***	52.37 *1,442.71	222.05	57.26	102.25	420.03	459.3
1001117	Big pump at Price Lane			249.55	1.47	559.47	100.00	227.6
1001103	Nisson Well	37-2568	230.23	213.52	96.80	528.86	801.97	374.3
1001127	Brown Well	37-804						0.0
1001105	North Bickett Artesian	37-7758					150.00	150.0
1001106	Artesian well	37-2581						0.0
1001107	South Bickett Artesian	37-2599	61.02	10.93	100.31	125.00	85.19	76.5
1001108	Artesian well	37-2604						0.0
1001109	Price Lane Artesian	37-2616						0.0
Overall sum of ground water pumping measured			**1,965.29**	**1,157.50**	**256.18**	**1,558.58**	**1,752.82**	**1,503.6**
Pumping attributable to WRs 37-20636, 38 & 40			**81.1**	**81.1**	**58.7**	**81.1**	**81.1**	**81.1**
Pumping attributable to GW irrigation rights			**1,884.19**	**1,076.40**	**197.5**	**1,477.48**	**1,671.72**	**1,257.00**
Pumping authorized per irrigation GW rights			**6,709.50**	**6,709.50**	**6,709.50**	**6,709.50**	**6,709.50**	**6,709.50**
Unrealized pumping per irrigation GW rights			**4,825.31**	**5,633.10**	**6,512.00**	**5,232.02**	**5,037.78**	**5,452.50**
* Per WMIS data, this well is associated with WMIS ID 1000824, which reported 1,442.71 AF diverted in 2014								

Table 2 – WMIS Diversion Records, 2015-2019

Injury Evaluation: Consents have been provided by the relevant irrigation districts and canal companies; injury is not apparent to other water right holders who receive water from common diversion and delivery systems, nor is it apparent based on other aspects of the lease. Proper rental review should further protect against injury.

Enlargement of Use: A review of sentinel satellite imagery from 2018 and 2019 affirms vegetation throughout the PPU, including on acres that would have been idled per 2018 Water Supply Bank lease contracts. Water right backfile information indicates the applicant may dryland farm many acres throughout the PPU; based on low ground water diversion volumes (per WMIS pumping records), and the fact that the irrigation place of use overlies land where springs emerge (and where ground water tables may be high), it is possible that observed vegetation is naturally occurring, or the result of dryland farming. No concerns about enlargement of water rights through the lease. Water rights 37-20635, 20637, 20639, 20641, 20643, 20645, 20647, 20649 and 20651 are limited to the irrigation of 885.0 acres, from water combined from the District #45 (Bellevue) and Baseline canals, and ground water. Lease contract conditions can define the maximum extent of combined water use leased to the Bank, and proper rental review should guard against enlargement. See Appendix B for tables summarizing the extent of portions of the 24 combined limited water rights accepted for lease.

Local Public Interest: Staff are unaware of any local public interests that are averse to the lease.

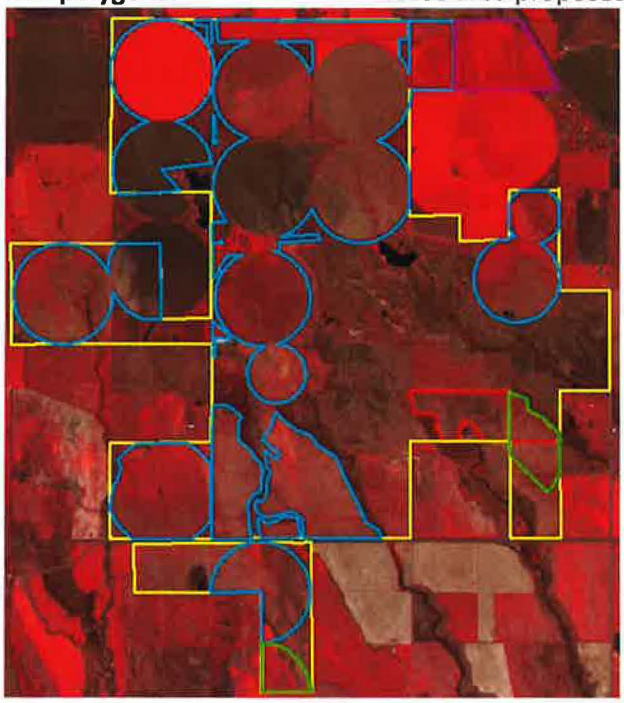
Beneficial Use/Conservation of Water Resources: The lease appears consistent with the conservation of water resources in Idaho.

Department/Watermaster Comments: Watermaster and IDWR Western Region comments were requested on January 17, 2020.

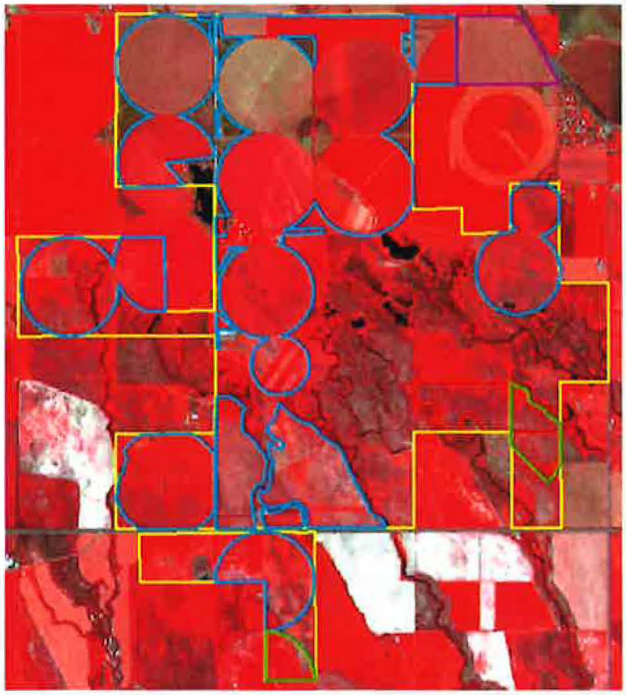
Water Supply Bank Evaluation: Based on information presented, and subject to a favorable review by Water District and IDWR regional office staff, it is recommend this application be approved.

Appendix A – Sentinel Satellite Imagery

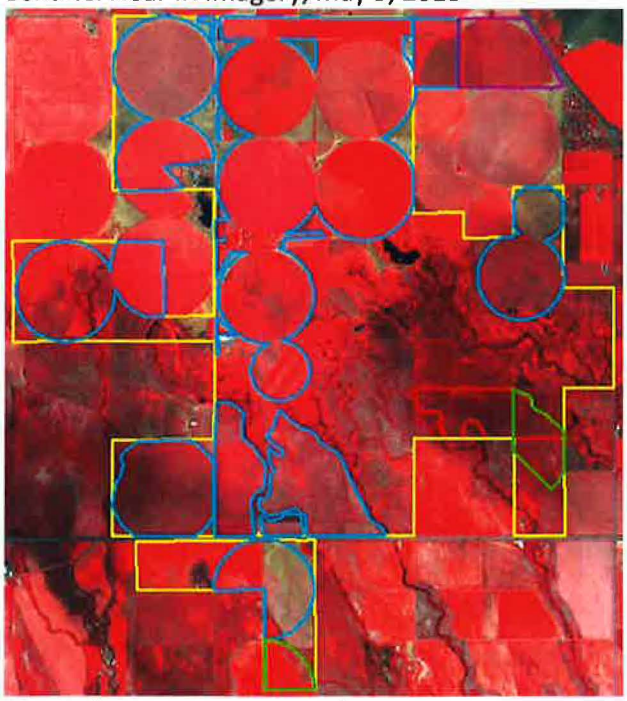
Yellow and purple polygons:	irrigation permissible place of use (PPU),
Blue polygon:	irrigation place of use specified by applicant (2015-2019),
Green polygons:	leased places of use (no irrigation authorized in 2018),
Red polygons:	lease area proposed for 2020-2022



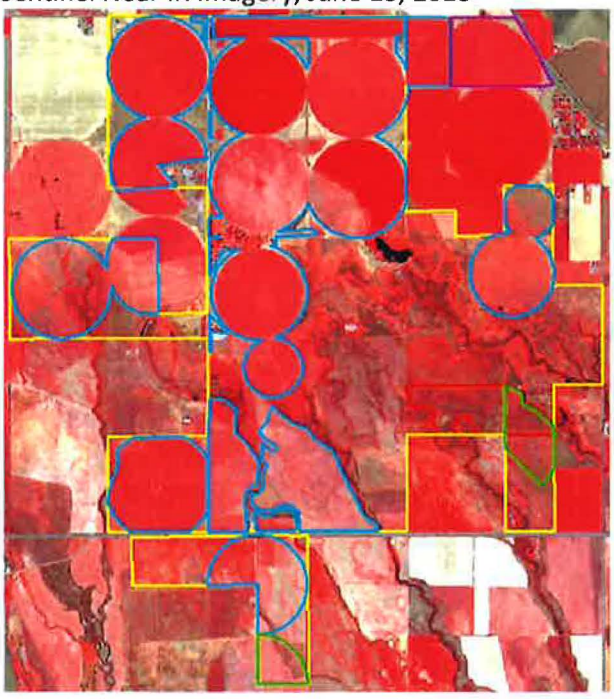
Sentinel Near IR Imagery, May 5, 2018



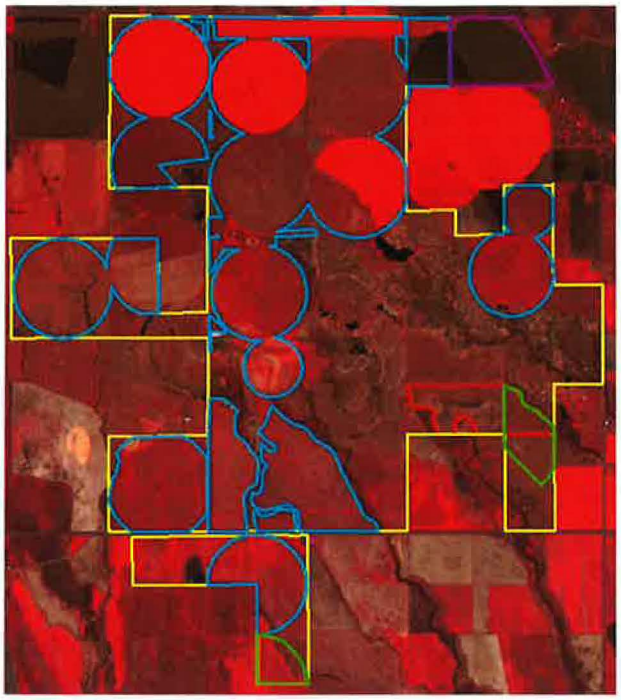
Sentinel Near IR Imagery, June 13, 2018



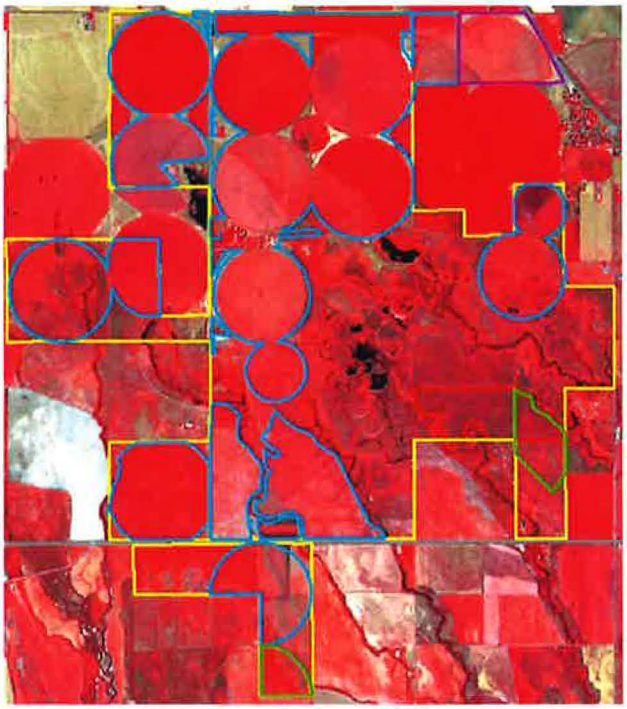
Sentinel Near IR Imagery, July 23, 2018



Sentinel Near IR Imagery, September 11, 2018



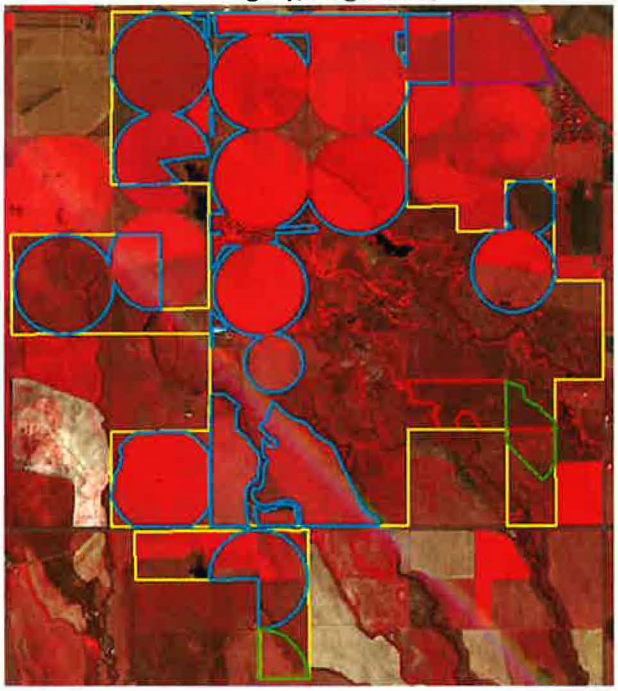
Sentinel Near IR Imagery, May 11, 2019



Sentinel Near IR Imagery, August 17, 2019



Sentinel Near IR Imagery, September 26, 2019



Sentinel Near IR Imagery, October 8, 2019

Appendix B – Irrigation Water Right Summary and Analysis of Leased Extent

Combos					Water Right	Owner	Priority	Decreed	SOU	Basis	Use	Water Source	Diversion Rate	Volume	Acre Limit	Total Acres	Rate/AC	Vol/AC	Conditions & Notes
z				6	37-804	Thomas M O Gara Family Trust	4/1/1947	9/24/2010	04/15 - 10/31	Decreed	Irrigation	Ground Water	1.820	319.2	91.20	3,437.00	0.020	3.5	
z				6	37-11830	Thomas M O Gara Family Trust	3/24/1883	9/24/2010	04/15 - 10/31	Decreed	Irrigation	Big Wood River	1.380		91.20	3,437.00	0.015		Water diverted from Headgate #45 delivered through District Canal
z				6									1.824	319.20	91.20	3,437.00	0.020	3.5	
z	y			5	37-115F	Thomas M O Gara Family Trust	6/12/1886	6/1/2010	04/15 - 10/31	Decreed	Irrigation	Big Wood River	1.000		268.00	3,437.00	0.004		Water diverted from Headgate #45 delivered through District Canal
z	y			5	37-501B	Thomas M O Gara Family Trust	5/1/1886	6/1/2010	04/15 - 10/31	Decreed	Irrigation	Big Wood River	0.400		268.00	3,437.00	0.001		Water diverted from Headgate #45 delivered through District Canal
z	y			5	37-501C	Thomas M O Gara Family Trust	5/1/1886	6/1/2010	04/15 - 10/31	Decreed	Irrigation	Big Wood River	2.000		268.00	3,437.00	0.007		Water diverted from Headgate #45 delivered through District Canal
z	y			5	37-590B	Thomas M O Gara Family Trust	5/1/1886	6/1/2010	04/15 - 10/31	Decreed	Irrigation	Big Wood River	1.000		268.00	3,437.00	0.004		Water diverted from Headgate #45 delivered through District Canal
z	y			5	37-597B	Thomas M O Gara Family Trust	5/1/1886	6/1/2010	04/15 - 10/31	Decreed	Irrigation	Big Wood River	0.700		268.00	3,437.00	0.003		Water diverted from Headgate #45 delivered through District Canal
z	y		GW	5	37-2502	Thomas M O Gara Family Trust	5/3/1949	6/1/2010	04/15 - 10/31	Decreed	Irrigation	Ground Water	5.000	938.00	268.00	3,437.00	0.009	3.5	
	y			5									5.360	938.00	268.00	3,437.00	0.020	3.5	
z	y			4	37-577K	Thomas M O Gara Family Trust	3/24/1883	5/13/2009	04/15 - 10/31	Decreed	Irrigation	Big Wood River	1.380		154.00	3,437.00	0.009		Water diverted from Headgate #45 delivered through District Canal.
z	y		GW	4	37-2568	Thomas M O Gara Family Trust	4/25/1955	5/13/2009	04/15 - 10/31	Decreed	Irrigation	Ground Water	3.200	539.00	154.00	3,437.00	0.021	3.5	Supplemental GW right.
z	y			4									3.080	539.00	154.00	3,437.00	0.020	3.5	
z	y		GW	3	37-2581	Thomas M O Gara Family Trust	8/16/1955	6/1/2010	04/15 - 10/31	Decreed	Irrigation	Ground Water	3.000	1,188.00	721.70	3,437.00	0.004	1.6	
z	y		GW	3	37-2599	Thomas M O Gara Family Trust	9/30/1957	6/1/2010	04/15 - 10/31	Decreed	Irrigation	Ground Water	1.500	594.00	721.70	3,437.00	0.002	0.8	
z	y		GW	3	37-2604	Thomas M O Gara Family Trust	7/29/1958	6/1/2010	04/15 - 10/31	Decreed	Irrigation	Ground Water	2.500	990.00	721.70	3,437.00	0.003	1.4	
z	y		GW	3	37-2616	Thomas M O Gara Family Trust	6/3/1959	6/1/2010	04/15 - 10/31	Decreed	Irrigation	Ground Water	2.980	1,180.10	721.70	3,437.00	0.004	1.6	
z	y		GW	3	37-7758	Thomas M O Gara Family Trust	2/6/1979	6/1/2010	04/01 - 11/01	Decreed	Irrigation	Ground Water	3.500	525.00	175.00	3,437.00	0.020	3.0	
z	y			3									13.480	2,526.00	721.70	3,437.00	0.019	3.5	
z	y	x	GW	2	37-20637	Thomas M O Gara Family Trust	2/12/1947	6/29/2009	04/01 - 11/01	Decreed	Irrigation	Ground Water	1.580	238.30	79.10	3,437.00	0.020	3.0	Supplemental GW right.
z	y	x	GW	2	37-20639	Thomas M O Gara Family Trust	6/15/1946	6/29/2009	04/01 - 11/01	Decreed	Irrigation	Ground Water	2.450	287.00	79.10	3,437.00	0.031	3.6	Supplemental GW right.
z	y	x		2									1.582	287.00	79.10	3,437.00	0.020	3.6	Combined limit of 287 @ field headgate, should actually be 276.9 af (3.5 afa/ac)
z	y	x	GW		37-20635	Thomas M O Gara Family Trust	3/8/1977	6/29/2009	04/01 - 11/01	Decreed	Irrigation	Ground Water	8.880	2,419.50	806.50	3,437.00	0.011	3.0	
z	y	x	GW										34.590	6,709.50	2,028.70	3,437.00	0.017	3.3	34.59 cfs & 6,709.5 af is additive sum of the 10 GW rights; acres reduced by 0.6 ac
z	y	x			37-20641	Thomas M O Gara Family Trust	7/10/1884	6/29/2009	04/01 - 11/01	Decreed	Irrigation	Big Wood River	0.960		33.30	3,437.00	0.029		Water diverted from Headgate #45 delivered through District Canal
z	y	x			37-20643	Thomas M O Gara Family Trust	3/24/1883	6/29/2009	04/15 - 10/31	Decreed	Irrigation	Big Wood River	0.670		33.30	3,437.00	0.020		Water diverted from Headgate #45 delivered through District Canal
z	y	x			37-20645	Thomas M O Gara Family Trust	5/17/1883	6/29/2009	04/01 - 11/01	Decreed	Irrigation	Big Wood River	5.400		308.70	3,437.00	0.017		Use of this right is combined with water from Base Line Canal Company and it is measured and administered at the point of rediversion.
z	y	x		1	37-20647	Thomas M O Gara Family Trust	4/17/1883	6/29/2009	04/01 - 11/01	Decreed	Irrigation	Big Wood River	0.480		270.10	3,437.00	0.002		Use of this right is combined with water from Base Line Canal Company and it is measured and administered at the point of rediversion.
z	y	x		1	37-20649	Thomas M O Gara Family Trust	6/20/1884	6/29/2009	04/15 - 10/31	Decreed	Irrigation	Big Wood River	4.340		270.10	3,437.00	0.016		Use of this right is combined with water from Base Line Canal Company and it is measured and administered at the point of rediversion.
z	y	x		1	37-20651	Thomas M O Gara Family Trust	6/2/1890	6/29/2009	04/01 - 11/01	Decreed	Irrigation	Big Wood River	0.960		270.10	3,437.00	0.004		Use of this right is combined with water from Base Line Canal Company and it is measured and administered at the point of rediversion.
z	y	x		1									5.780	945.35	270.10	3,437.00	0.021	3.5	
z	y	x											23.272	3,097.50	885.00	3,437.00	0.026	3.5	885.0 acres limit created through Transfer 69756, approved December 2006
z	y												53.880	7,100.45	2,028.70	3,437.00	0.027	3.5	
z													55.700	7,419.65	2,119.90	3,437.00	0.026	3.5	

Red numbers	Established, combined limit value
Blue Numbers	Calculated, combined limit value (based on WR conditions)
Orange Cell	An established or calculated value exceeds use limits set by conditions

Water Source	Water Right	Diversion Rate	Volume	Acre Limit	Rate/AC	Vol/AC	% Total
Supplemental Ground Water	37-20637	1.580	238.30	79.10	0.020	3.0	
Supplemental Ground Water	37-20639	2.450	287.00	79.10	0.031	3.6	
Combined Limited Supplemental Ground Water		1.582	287.00	79.10	0.020	3.6	8.9%
Ground Water	37-20635	8.880	2419.50	806.50	0.011	3.0	91.1%
District #45 Canal	37-20641	0.960		33.30	0.029		
District #45 Canal	37-20643	0.670		33.30	0.020		
Combined Limited District #45 Canal Water		1.630		66.600	0.024		7.5%
Baseline Canal	37-20645	5.400		308.70	0.017		34.9%
Baseline Canal	37-20647	0.480		270.10	0.002		
Baseline Canal	37-20649	4.340		270.10	0.016		
Baseline Canal	37-20651	0.960		270.10	0.004		
Combined Limited Baseline Canal Water		5.780		270.10	0.021		30.5%
Combined Limited Baseline Canal Water		11.180		578.80	0.019		65.4%
Overall Combined Limit from all water sources		23.272		885.00	0.026		100.0%

	Leased Extent							Unleased Extent Remaining						
	WR	Rate	Vol	Acres	Acres*	Rate/AC	Vol/AC	WR	Rate	Vol	Acres	Acres*	Rate/AC	Vol/AC
GW	37-804	0.260	45.90	13.10	304.50	0.020	3.5	37-804	1.560	273.30	78.10	3,132.50	0.020	3.5
	37-11830	0.200	Not Stated	13.10	304.50	0.015		37-11830	1.180	Not Stated	78.10	3,132.50	0.015	
	combo 6	0.260	45.90	13.10	304.50	0.020	3.5	combo 6	1.564	273.30	78.10	3,132.50	0.020	3.5
	37-115F	0.140	Not Stated	38.50	304.50	0.004		37-115F	0.860	Not Stated	229.50	3,132.50	0.004	
	37-501B	0.060	Not Stated	38.50	304.50	0.002		37-501B	0.340	Not Stated	229.50	3,132.50	0.001	
	37-501C	0.290	Not Stated	38.50	304.50	0.008		37-501C	1.710	Not Stated	229.50	3,132.50	0.007	
	37-590B	0.140	Not Stated	38.50	304.50	0.004		37-590B	0.860	Not Stated	229.50	3,132.50	0.004	
	37-597B	0.100	Not Stated	38.50	304.50	0.003		37-597B	0.600	Not Stated	229.50	3,132.50	0.003	
GW	37-2502	0.720	134.70	38.50	304.50	0.019	3.5	37-2502	4.280	803.30	229.50	3,132.50	0.019	3.5
	combo 5	0.770	134.70	38.50	304.50	0.020	3.5	combo 5	4.590	803.30	229.50	3,132.50	0.020	3.5
	37-577K	0.200	Not Stated	22.10	304.50	0.009		37-577K	1.180	Not Stated	131.90	3,132.50	0.009	
GW	37-2568	0.460	77.40	22.10	304.50	0.021	3.5	37-2568	2.740	461.60	131.90	3,132.50	0.021	3.5
	combo 4	0.440	77.40	22.10	304.50	0.020	3.5	combo 4	2.640	461.60	131.90	3,132.50	0.020	3.5
GW	37-2581	0.430	170.60	103.70	304.50	0.004	1.6	37-2581	2.570	1,017.40	618.00	3,132.50	0.004	1.6
GW	37-2599	0.220	85.30	103.70	304.50	0.002	0.8	37-2599	1.280	508.70	618.00	3,132.50	0.002	0.8
GW	37-2604	0.360	142.20	103.70	304.50	0.003	1.4	37-2604	2.140	847.80	618.00	3,132.50	0.003	1.4
GW	37-2616	0.430	169.50	103.70	304.50	0.004	1.6	37-2616	2.550	1,010.60	618.00	3,132.50	0.004	1.6
GW	37-7758	0.500	75.40	25.10	304.50	0.020	3.0	37-7758	3.000	449.60	149.90	3,132.50	0.020	3.0
	combo 3	1.940	362.80	103.70	304.50	0.019	3.5	combo 3	11.540	2,163.20	618.00	3,132.50	0.019	3.5
GW	37-20637	0.230	34.20	11.40	304.50	0.020	3.0	37-20637	1.350	204.10	67.70	3,132.50	0.020	3.0
GW	37-20639	0.350	41.20	11.40	304.50	0.031	3.6	37-20639	2.100	245.80	67.70	3,132.50	0.031	3.6
	combo 2	0.230	41.20	11.40	304.50	0.020	3.6	combo 2	1.352	245.80	67.70	3,132.50	0.020	3.6
GW	37-20635	1.280	347.50	115.80	304.50	0.011	3.0	37-20635	7.600	2,072.00	690.70	3,132.50	0.011	3.0
	GW combo	4.970	963.70	291.40	304.50	0.017	3.3	GW combo	29.620	5,745.80	1,737.30	3,132.50	0.017	3.3
	37-20641	0.140	Not Stated	4.80	304.50	0.029		37-20641	0.820	Not Stated	28.50	3,132.50	0.029	
	37-20643	0.100	Not Stated	4.80	304.50	0.021		37-20643	0.570	Not Stated	28.50	3,132.50	0.020	
	37-20645	0.780	Not Stated	44.30	304.50	0.018		37-20645	4.620	Not Stated	264.40	3,132.50	0.017	
	37-20647	0.070	Not Stated	38.80	304.50	0.002		37-20647	0.410	Not Stated	231.30	3,132.50	0.002	
	37-20649	0.620	Not Stated	38.80	304.50	0.016		37-20649	3.720	Not Stated	231.30	3,132.50	0.016	
	37-20651	0.140	Not Stated	38.80	304.50	0.004		37-20651	0.820	Not Stated	231.30	3,132.50	0.004	
	combo 1	0.830	135.80	38.80	304.50	0.021	3.5	combo 1	4.950	809.55	231.30	3,132.50	0.021	3.5
	combo x	3.340	444.90	127.10	304.50	0.026	3.5	combo x	19.932	2,652.60	757.90	3,132.50	0.026	3.5
	combo y	7.740	1,019.90	291.40	304.50	0.027	3.5	combo y	46.140	6,080.55	1,737.30	3,132.50	0.027	3.5
	combo z	8.000	1,065.80	304.50	304.50	0.026	3.5	combo z	47.700	6,353.85	1,815.40	3,132.50	0.026	3.5
	Ground Water	5.230	1,009.60	304.50	304.50	0.017	3.3	Ground Water	31.180	6,019.10	1,815.40	1,815.40	0.017	3.3
	Baseline Canal	1.610	Not Stated	83.10	304.50	0.019		Baseline Canal	9.570	Not Stated	495.70	1,815.40	0.019	
	District #45 Canal	1.410	Not Stated	83.30	304.50	0.017		District #45 Canal	8.340	Not Stated	496.50	1,815.40	0.017	

Buyer, Remington

From: Zach Hill <zthorne@ecosystemsciences.com>
Sent: Thursday, December 12, 2019 8:35 AM
To: Buyer, Remington
Subject: Re: O'Gara Water Bank Lease Application
Attachments: attachment 2.pdf; ATT00001.htm

Remington,

Please find attached to this email two signed letters of consent from the District 45 and the Triangle Irrigation District.

Please let me know that you have received these documents. These letters are submitted as the final components of the O'Gara application to lease to the Water Bank.

Could you please let me know your anticipated timeframe to complete this application and when the water accepted into the Bank?

Thank you.

Zach Hill
Ecosystem Sciences
zthorne@ecosystemsciences.com

Triangle Irrigation District

P.O. Box 424

Bellevue, Idaho 83313

At the Triangle Irrigation District Board meeting on December 11, 2019, the directors accepted the water bank application from Thomas M. O'Gara Family Trust, Silver Springs Ranch, subject to and with the condition of a 10 % hold back in the system and on the further condition that there be no adverse impact on the minimum stream flow, and the water be leased to the SVGWD. And so long as the typical operation and water delivery within the irrigation district distribution system is not impacted.

Sarah Gardner

President and Director

CERTIFICATE OF ACTION TAKEN BY
THE WOOD RIVER VALLEY IRRIGATION DISTRICT #45

P.O. Box 2223
Hailey, Id 83333

The undersigned hereby certifies that at the Wood River Valley Irrigation District #45 meeting on **December 10th, 2019**, The directors accepted the water bank **lease/rental package** application from **Thomas M. O'Gara Family Trust/Silver Spring Ranch** for the portion of 1.36 cfs from **Water Rights 37-115F, 37-501B, 37-501C, 37-590B, 37-597B, 37-577K, 37-11830, 37-20641, & 37-20643** subject to and with the continuing condition of a *** %** percent hold back in the system and on the further condition that there be no adverse impact on the minimum stream flow in the river and that carriage loss sufficient to convey water to the Wood River Valley Irrigation District #45 head gate must be left in the river if the water is to be leased upstream, and so long as the typical operation and water delivery within the irrigation district distribution system is not impacted.

*Hold back is not necessary since the rental POU is within the irrigation district distribution system.

References:

- Ecosystem Science Letter
- SVGWD Rental Agreement
- South valley Ground District Recharge Site Map

DATED: December 10th, 2019

Signature
David Johnson, President and Director

Signature
Greg Clark, Director

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700
Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

November 26, 2019

THOMAS M O'GARA FAMILY TRUST
C/O ZACH HILL
202 N 9TH STREET, STE 400
BOISE ID 83702

RESPONSE DEADLINE:
December 26, 2019

RE: Action Required on WSB Lease Application 1482

Dear Applicant,

The Department of Water Resources (Department) has conducted a preliminary review of your application to lease water rights 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, 37-20635, 37-20637, 37-20639, 37-20641, 37-20643, 37-20645, 37-20649, and 37-20651 to the Water Supply Bank and determined that your application is incomplete. Per Idaho Code 42-108 and IDAPA WSB Rule 37.02.03.25.02e, "*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 must include written consent…for your removal of water from its system*". The following items are required to continue processing your application:

- Written consent from the Triangle Irrigation District, to lease the above listed water rights,
- Written consent from the Wood River Valley Irrigation District #45, to lease the above listed water rights.

To continue processing of your application, our office requires consent from all delivery entities. Please provide us with the above requested information within 30 days (deadline of December 26, 2019), so that we can finalize processing of your application. If we do not hear from you prior to the established deadline, your application will be returned to you and your filing fee will be refunded.

If you have any questions, please contact me at (208) 287-4936.

Regards,

Justin Ferguson

Cc: Brian Barsotti – Attorney

Ecosystem Sciences

Ecosystem Sciences I 202 N 9th Street, Suite 400 Boise, ID 83702 I Phone 208.383.0226 I Fax 208.368.0184 I ecosystemsciences.com

To: Remington Buyer, Water Bank Administrator
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED
NOV 25 2019
DEPARTMENT OF
WATER RESOURCES

Date: November 19, 2019

RE: O'Gara Water Bank Lease and Rental Applications

Dear Remington:

Enclosed with this letter are Water Supply Bank lease applications for the Thomas M. O'Gara Family Trust. Mr. O'Gara has 24 irrigation water rights within an authorized permissible place of use that allows for 2,119.9 acres of irrigation. Mr. O'Gara wishes to temporarily dry up 304.5 acres within his PPU and make that water available to the Water Bank. A map of the area is included as Figure 1.

A percentage (14.36% = 304.5 acres/2119.9 acres) of the total irrigation water rights are offered to be leased to the Water Bank. The source of the irrigations rights is either the Big Wood River or groundwater. The Big Wood River rights are delivered to the distribution system either by the District 45 Canal or the Baseline Canal. A Summary of the water rights and their combined limitations are presented in Table 1.

Mr. O'Gara wishes to rent his leased water temporarily to the Water Bank. There will be no change to the rented water rights flow rate, volume limitation, Point of Diversion(s), Period of Use, or Nature of Use. Water Bank rental applications were prepared for Big Wood River water rights delivered through the District 45 Canal, Big Wood River water rights delivered through the Baseline Canal, and groundwater. Table 2 is a summary of the rented water available to the Water Bank per each of these sources. Because the individual water rights were rounded to the nearest hundredth, there are slight differences in the rate sum due to rounding. Also, the combined limits will affect the volume allowed to be rented.

Thank you for your prompt review of these applications. If you have questions, please do not hesitate to contact me.

Sincerely,

Zach Hill
Ecosystem Sciences

cc: Thomas M. O'Gara
Brian Barsotti