

WATER SUPPLY BANK LEASE CONTRACT

RECEIVED
FEB 04 2014
DEPARTMENT OF
WATER RESOURCES

This Lease Contract ("**Lease**") is effective April 30, 2013, 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
208-726-3030

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.
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

<u>Water Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
37-2581	0.14 CFS	30.0 AF	NA	7.1 AC
37-2599	0.07 CFS	15.0 AF	NA	3.5 AC
37-2604	0.12 CFS	25.0 AF	NA	6.0 AC
37-2616	0.14 CFS	29.0 AF	NA	7.1 AC
37-7758	0.17 CFS	13.0 AF	NA	8.3 AC
Combined Lease Totals:	0.64 CFS	112.0 AF	NA	32.0 AC

The water rights described herein shall be available for rental from the Bank as follows:

Authorized Period of Use under Lease: 37-7758: 4/1 to 11/1
37-2581, 35-2599, 37-2604, 37-2616: 4/15 to 10/31

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: Negotiated Rental Rate: See rental agreement on file with the Department

3. **TERM OF LEASE:** This Lease shall take effect when both parties have signed it and shall continue in effect until December 31, 2017.

WATER SUPPLY BANK LEASE CONTRACT

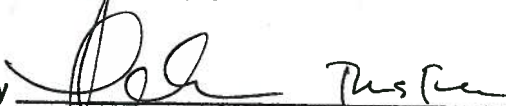
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

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

THOMAS M O'GARA FAMILY TRUST

PO BOX 370
KETCHUM ID 83340

By



Printed Name

Thomas O'Gara

Date

4/27/14

Title

Trustee

IDAHO WATER RESOURCE BOARD

322 East Front Street
P.O. Box 83720
Boise, ID 83720-9098

By



Brian Patton, Acting Administrator
Idaho Water Resource Board

Date

2/7/2014

Lease approved by IDWR



Date

2/7/2014

ATTACHMENT A
WATER RIGHT NO. 37-2581
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water right or portion thereof leased to the bank is described as follows:

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

Priority Date: 08/16/1955

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.14 CFS	30.0 AF
	Total:		0.14 CFS	30.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L4(NWSWNW)	Sec. 04	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	NWNWSW	Sec. 04	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	NESWSE	Sec. 04	Twp 01S	Rge 19E	BLAINE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	19E	21									32.0								32.0

Total Acres: 32.0 AC

Limited to acres within place of use described above: 7.1

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
37-2581, 37-2599, 37-2604, 37-2616, and 37-7758	0.64 CFS	112	7.1	32.0 AC

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water right(s) referenced above are accepted into the bank and rented in accordance with a private agreement formulated between the lessor and the renter. The right will be rented from the bank at a flat rate of \$1.00 per irrigation season.
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.
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.

ATTACHMENT A
WATER RIGHT NO. 37-2581
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease, 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.
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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) leased to the bank are 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. During the term of this lease, use of the unleased portions of rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 are limited to a combined total of 689.7 acres and the diversion volume of 2,414 af of water.
13. During the term of this lease, use of the unleased portions of rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 when combined with rights 37-2502, 37-2568, 37-20635, 37-20637, and 37-20639 are limited to a combined total maximum diversion volume of 6,597.5 af at the field headgate and the irrigation of 1,996.7 acres.
14. During the term of this lease, use of the unleased portions of rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 when combined with rights 37-2502, 37-2568, 37-20635, 37-20637, 37-20639, 37-115F, 37-501B, 37-501C, 37-577K, 37-590B, and 37-597B are limited to a combined total acre limit of 1,996.7 acres.
15. During the term of this lease, use of the unleased portions of rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 irrigate a specific 689.7 acres within the 3,345 acre place of use in a single irrigation season. Before changing the 689.7 acres to be irrigated within the 3,345 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.

**ATTACHMENT A
WATER RIGHT NO. 37-2581
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**

16. During the term of this lease, use of the unleased portions of 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 are limited to the irrigation of a specific 1,996.7 acres within the 3,345.0 acre place of use authorized by these rights in a single irrigation season. Before changing the 1,996.7 acres to be irrigated within the 3,345.0 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.
17. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
18. 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.

ATTACHMENT A
WATER RIGHT NO. 37-2599
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water right or portion thereof leased to the bank is described as follows:

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

Priority Date: 09/30/1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	0.07 CFS	15.0 AF
	Total:		0.07 CFS	15.0 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	19E	21									32.0								32.0

Total Acres: 32.0 AC

Limited to acres within place of use described above: NA

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
37-2581, 37-2599, 37-2604, 37-2616, and 37-7758	0.64 CFS	112	NA	32.0 AC

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water right(s) referenced above are accepted into the bank and rented in accordance with a private agreement formulated between the lessor and the renter. The right will be rented from the bank at a flat rate of \$1.00 per irrigation season.
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.
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.

**ATTACHMENT A
WATER RIGHT NO. 37-2599
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**

4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease, 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.
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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) leased to the bank are 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. During the term of this lease, use of the unleased portions of rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 are limited to a combined total of 689.7 acres and the diversion volume of 2,414 af of water.
13. During the term of this lease, use of the unleased portions of rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 when combined with rights 37-2502, 37-2568, 37-20635, 37-20637, and 37-20639 are limited to a combined total maximum diversion volume of 6,597.5 af at the field headgate and the irrigation of 1,996.7 acres.
14. During the term of this lease, use of the unleased portions of rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 when combined with rights 37-2502, 37-2568, 37-20635, 37-20637, 37-20639, 37-115F, 37-501B, 37-501C, 37-577K, 37-590B, and 37-597B are limited to a combined total acre limit of 1,996.7 acres.
15. During the term of this lease, use of the unleased portions of rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 irrigate a specific 689.7 acres within the 3,345 acre place of use in a single irrigation season. Before changing the 689.7 acres to be irrigated within the 3,345 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.

ATTACHMENT A
WATER RIGHT NO. 37-2599
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

16. During the term of this lease, use of the unleased portions of 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 are limited to the irrigation of a specific 1,996.7 acres within the 3,345.0 acre place of use authorized by these rights in a single irrigation season. Before changing the 1,996.7 acres to be irrigated within the 3,345.0 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.
17. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
18. 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.

ATTACHMENT A
WATER RIGHT NO. 37-2604
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water right or portion thereof leased to the bank is described as follows:

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

Priority Date: 07/29/1958

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.12 CFS	25.0 AF
	Total:		0.12 CFS	25.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L4(NWSWNW)	Sec. 04	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	NWNWSW	Sec. 04	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	NESWSE	Sec. 04	Twp 01S	Rge 19E	BLAINE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	19E	21									32.0								32.0

Total Acres: 32.0 AC

Limited to acres within place of use described above: NA

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
37-2581, 37-2599, 37-2604, 37-2616, and 37-7758	0.64 CFS	112	NA	32.0 AC

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water right(s) referenced above are accepted into the bank and rented in accordance with a private agreement formulated between the lessor and the renter. The right will be rented from the bank at a flat rate of \$1.00 per irrigation season.
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.
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.

ATTACHMENT A
WATER RIGHT NO. 37-2604
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease, 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.
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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) leased to the bank are 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. During the term of this lease, use of the unleased portions of rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 are limited to a combined total of 689.7 acres and the diversion volume of 2,414 af of water.
13. During the term of this lease, use of the unleased portions of rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 when combined with rights 37-2502, 37-2568, 37-20635, 37-20637, and 37-20639 are limited to a combined total maximum diversion volume of 6,597.5 af at the field headgate and the irrigation of 1,996.7 acres.
14. During the term of this lease, use of the unleased portions of rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 when combined with rights 37-2502, 37-2568, 37-20635, 37-20637, 37-20639, 37-115F, 37-501B, 37-501C, 37-577K, 37-590B, and 37-597B are limited to a combined total acre limit of 1,996.7 acres.
15. During the term of this lease, use of the unleased portions of rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 irrigate a specific 689.7 acres within the 3,345 acre place of use in a single irrigation season. Before changing the 689.7 acres to be irrigated within the 3,345 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.

**ATTACHMENT A
WATER RIGHT NO. 37-2604
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**

16. During the term of this lease, use of the unleased portions of 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 are limited to the irrigation of a specific 1,996.7 acres within the 3,345.0 acre place of use authorized by these rights in a single irrigation season. Before changing the 1,996.7 acres to be irrigated within the 3,345.0 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.
17. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
18. 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.

ATTACHMENT A
WATER RIGHT NO. 37-2616
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water right or portion thereof leased to the bank is described as follows:

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

Priority Date: 06/03/1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.14 CFS	29.0 AF
	Total:		0.14 CFS	29.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L4(NWSWNW)	Sec. 04	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	NWNWSW	Sec. 04	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	NESWSE	Sec. 04	Twp 01S	Rge 19E	BLAINE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	19E	21									32.0								32.0

Total Acres: 32.0 AC

Limited to acres within place of use described above: NA

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
37-2581, 37-2599, 37-2604, 37-2616, and 37-7758	0.64 CFS	112	NA	32.0 AC

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water right(s) referenced above are accepted into the bank and rented in accordance with a private agreement formulated between the lessor and the renter. The right will be rented from the bank at a flat rate of \$1.00 per irrigation season.
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.
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.

ATTACHMENT A
WATER RIGHT NO. 37-2616
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease, 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.
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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) leased to the bank are 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. During the term of this lease, use of the unleased portions of rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 are limited to a combined total of 689.7 acres and the diversion volume of 2,414 af of water.
13. During the term of this lease, use of the unleased portions of rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 when combined with rights 37-2502, 37-2568, 37-20635, 37-20637, and 37-20639 are limited to a combined total maximum diversion volume of 6,597.5 af at the field headgate and the irrigation of 1,996.7 acres.
14. During the term of this lease, use of the unleased portions of rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 when combined with rights 37-2502, 37-2568, 37-20635, 37-20637, 37-20639, 37-115F, 37-501B, 37-501C, 37-577K, 37-590B, and 37-597B are limited to a combined total acre limit of 1,996.7 acres.
15. During the term of this lease, use of the unleased portions of rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 irrigate a specific 689.7 acres within the 3,345 acre place of use in a single irrigation season. Before changing the 689.7 acres to be irrigated within the 3,345 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.

ATTACHMENT A
WATER RIGHT NO. 37-2616
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

16. During the term of this lease, use of the unleased portions of 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 are limited to the irrigation of a specific 1,996.7 acres within the 3,345.0 acre place of use authorized by these rights in a single irrigation season. Before changing the 1,996.7 acres to be irrigated within the 3,345.0 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.
17. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
18. 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.

ATTACHMENT A
WATER RIGHT NO. 37-7758
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water right or portion thereof leased to the bank is described as follows:

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

Priority Date: 02/06/1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.17 CFS	13.0 AF
	Total:		0.17 CFS	13.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L4(NWSWNW)	Sec. 04	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	NWNWSW	Sec. 04	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	SWNESW	Sec. 16	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	NESWSW (Injection)	Sec. 16	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	SESENW (Rediversion)	Sec. 16	Twp 01S	Rge 19E	BLAINE County
GROUND WATER	NWSESE (Rediversion)	Sec. 16	Twp 01S	Rge 19E	BLAINE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	19E	21									32.0								32.0

Total Acres: 32.0 AC

Limited to acres within place of use described above: NA

COMBINED LIMITS OF LEASED RIGHT:

<u>Combined Rights</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
37-2581, 37-2599, 37-2604, 37-2616, and 37-7758	0.64 CFS	112	NA	32.0 AC

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water right(s) referenced above are accepted into the bank and rented in accordance with a private agreement formulated between the lessor and the renter. The right will be rented from the bank at a flat rate of \$1.00 per irrigation season.
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.
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.

ATTACHMENT A
WATER RIGHT NO. 37-7758
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease, 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.
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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
11. The water right(s) leased to the bank are 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. During the term of this lease, use of the unleased portions of rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 are limited to a combined total of 689.7 acres and the diversion volume of 2,414 af of water.
13. During the term of this lease, use of the unleased portions of rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 when combined with rights 37-2502, 37-2568, 37-20635, 37-20637, and 37-20639 are limited to a combined total maximum diversion volume of 6,597.5 af at the field headgate and the irrigation of 1,996.7 acres.
14. During the term of this lease, use of the unleased portions of rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 when combined with rights 37-2502, 37-2568, 37-20635, 37-20637, 37-20639, 37-115F, 37-501B, 37-501C, 37-577K, 37-590B, and 37-597B are limited to a combined total acre limit of 1,996.7 acres.
15. During the term of this lease, use of the unleased portions of rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 irrigate a specific 689.7 acres within the 3,345 acre place of use in a single irrigation season. Before changing the 689.7 acres to be irrigated within the 3,345 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.

ATTACHMENT A
WATER RIGHT NO. 37-7758
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

16. During the term of this lease, use of the unleased portions of 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 are limited to the irrigation of a specific 1,996.7 acres within the 3,345.0 acre place of use authorized by these rights in a single irrigation season. Before changing the 1,996.7 acres to be irrigated within the 3,345.0 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.
17. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
18. 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.
19. Water diverted under this right 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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN

Director
February 10, 2014

C.L. "BUTCH" OTTER
Governor

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

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 37-2581, 37-2599, 37-2604, 37-2616 AND 37-7758

Dear Lessor:

Water Right 37-2649B was leased into the Water Supply Bank on April 29, 2013 in accordance with the executed original Lease Contract enclosed. **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.**

The rights will automatically be released from the Bank on **December 31, 2017**, unless the rights are released earlier by the Board, or upon your request. **Please note your rights may not be available for immediate release if they have been rented.** 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 request an extension of the lease period, submit a *Request to Extend the Lease Term* form along with applicable fees to the Department prior to the release date. These forms are available from our public website at www.idwr.idaho.gov.

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 me at 287-4944.

Sincerely,

Cherie Palmer
Senior Water Resource Agent
WSB Process Point of Contact

Enclosure: Executed Lease Contract

- c. Allen Merritt – IDWR Southern Regional Office
- Kevin Lakey – State Water District No. 37
- Paul Arrington – Barker Rosholt & Simpson LLP



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

January 27, 2014

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

**RE: REQUEST FOR RETURN OF SIGNED WATER SUPPLY BANK LEASE CONTRACTS
FOR WATER RIGHT(S) 37-2581, 37-2599, 37-2604, 37-2616 and 37-7758**

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

Dear Applicant,

The Department of Water Resources (Department) mailed **two original Water Supply Bank Lease Contracts for your review and signature** on January 13, 2014. The signed contracts have not been returned to the Department.

Please sign both original Lease Contracts and return them to the Department within ten (10) days of this letter to complete processing. The Lease Contract is not considered final until both you and the Department have signed.

If the signed lease contracts are not received by the Department within the 10-day period, the lease application(s) will be returned, and the application fee will not be refunded. You can reapply to lease the water right(s) in the future by submitting new application form(s) along with applicable fees.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

If you have questions regarding this matter, please contact me at 287-4944.

Sincerely,

Cherie Palmer
Senior Water Resource Agent
WSB Process Point of Contact

c: Paul Arrington-Barker Rosholt & Simpson LLP



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

January 10, 2014

THOMAS O'GARA FAMILY TRUST
CO BRIAN BARSOTTI
PO BOX 370
KETCHUM ID 83340

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 37-2581, 37-2599, 37-2604, 37-2616, 37-7758 TO THE WATER SUPPLY BANK

******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 BOTH 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 rights will automatically be released from the Bank on **December 31, 2017**, unless the rights are 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 request an extension of the lease period, submit a Request to Extend the Lease Term form along with applicable fees to the Department prior to the release date. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your rights may not be available for immediate release if they have 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 me at 287-4944.

Sincerely,

Cherie Palmer
Senior Water Resource Agent
WSB Process Point of Contact

Enclosure: Proposed Lease Contracts

c: Paul Arrington-Barker Rosholt & Simpson LLP

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

RECEIVED
FEB 04 2014
DEPARTMENT OF
WATER RESOURCES



195 River Vista Place, Suite 204
Twin Falls, Idaho 83301-3029
(208) 733-0700 telephone
(208) 735-2444 facsimile

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

January 31, 2014

Cherie Palmer
Senior Water Resource Agent
WSB Process Point of Contact
Idaho Dept. of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

RE: *Signed Rental Agreement; Lease Contracts and Payment for O'Gara Water Rights and Stevenson Water Rights*

Dear Ms. Palmer,

Enclosed please find the following:

- Check number 7393 from Hillside Ranch in the amount of \$191.40;
- Signed Water Supply Bank Rental Agreement by John Stevenson regarding water rights 37-2581 et al;
- Signed Water Supply Bank Lease Contract by John Stevenson regarding water right 37-2649B;
- Check number 45207 from O'Gara Coach Company, L.L.C. in the amount of 191.40;
- Signed Water Supply Bank Rental Agreement by Thomas O'Gara regarding water right 37-2649B; and
- Signed Water Supply Bank Lease Contract by Thomas O'Gara regarding water rights 37-2581 et al.

Should you have any questions, please contact Paul Arrington at (208) 733-0700.

Thank you,


Jessica Nielsen
Assistant for Paul L. Arrington

Enclosures
PLA/jn

MEMORANDUM

To: Water Right File No(s). 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 (OGara Lease and Stevenson Rental) AND 37-2649B (Stevenson Lease and OGara Rental)

Associated Files: 37-115F, 37-501B, 37-501C, 37-577K, 37-590B, 37-597B, 37-2502, 37-2568, 37-20635, 37-20637, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, and 37-20651, 37-7644, 37-2649A, 37-7014 (no need to cc files - limits/combined limits are a wash) cp

From: Cherie Palmer
List of associated, only for informational purposes files

Date: June 17, 2013 (revised January 9, 2014)

Re: Review of Applications to Lease and Rent Water Right to and from the State Water Supply Bank

PURPOSE/NARRATIVE: There are 4 applications that will be discussed in this memo. The 4 applications include a rental and lease package from the Stevensons and a rental and lease package from the OGaras. These applications were originally filed in April 2013 but, the OGara lease application did not include all of the stacked water rights on the application. Therefore, the lease and associated rental applications were returned. A new application was filed on June 3, 2013 with all of the stacked water rights.

A Water Use Agreement was made between the OGaras and the Stevensons that allows the Stevensons to use 0.64 cfs and 32 acres of OGara's water rights 37-2581, et. al. for 5 years. Note that the water will be applied to land that is owned by the OGaras but the water will be delivered using Stevenson's irrigation system. Essentially, the only change that is going to be occurring is a change in PDs. Conversely, the agreement also provides that the OGaras use 0.64 cfs and 32 acres of Stevenson water right 37-2649B for 5 years. The OGaras will use the rental to irrigate land owned by the Stevenson but, the water will be delivered using the OGaras irrigation system.

AUTHORITY TO FILE: The owner of the OGara Trust signed the lease/rental applications and John Stevenson signed the lease/rental applications. Both are authorized to sign the applications. The applications have been submitted by their attorney Paul Arrington of Barker, Rosholt, & Simpson LLP.

WATER RIGHT VALIDITY: All of the OGara water rights on the application were decreed on 6/1/2010 and Stevenson right 37-2649B was decreed on 5/31/2011. The rights are all valid and are not subject to forfeiture at this time.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: There will be no apparent enlargement issues in connection with the approval of these applications. See the attached overlap analysis and notice that the surface water and other ground water rights owned by OGara are not stacked and the lease/rental of 37-2581, et.al. will not constitute an enlargement.

It appeared necessary to require a map showing what acres will be irrigated within the PPU during the duration of the lease/rental. The attorney submitted the attached map for the Stevensons illustrating a 372 acre POU between rights 37-2649A/B. This map is sufficient.

On November 22, 2013, Paul Arrington submitted a map showing the irrigated area within their PPU for the OGaras. This map is sufficient for bank purposes.

It's also important to note that there are supplemental conditions on 37-2649B, but there are no surface water shares/rights appurtenant to its place of use. Right 37-2649B is not supplemental so no obstacles regarding the condition will stop the progress of the Bank transaction (see email from Allen Merritt that supports this conclusion).

Note that there are points of injection, diversion, and re-diversion in connection with right 37-2649B. The applicant did not include those points of re-diversion and injection on the lease application but must be listed. An email conversation with the attorney confirms the discrepancy in the lease and rental applications and agrees to add the points of injection and re-diversion to the lease/rental documents.

There is a 2% conveyance loss in connection with right 37-2649B. Conditions have been added to the lease to address the conveyance losses. The point of diversion under the rental for Stevenson (same PD for the unleased portion of 37-2649B) is also subject to the same conveyance losses. Conditions have been added to the rental to cover the losses.

Lastly, portions of the PPU under 37-2581 et. al. are within the Baseline Canal Co. The acres that are the subject of these applications do not fall within the canal company so no additional analysis is required.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The leases/rentals appear consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: IDWR Southern regional manager had a few comments to offer but did not have a problem with the proposal (see attached email). The watermaster did not have any feedback for this Bank transaction.

OGara Water Rights Leased into the Bank based on proportions as follows:

Water Right	Rate cfs	Volume af	Acres	Proportion %	Leased Rate	Leased Volume	Leased Acres
37-2581	3.0	1188	721.7	22	0.14	30	7.1
37-2599	1.5	594	721.7	11	0.07	15	3.5
37-2604	2.5	990	721.7	19	0.12	25	6.0
37-2616	2.98	1180	721.7	22	0.14	29	7.1
37-7758	3.5	525	175	26	0.17	13	8.3
TOTAL	13.48	2526	721.7	100	0.64	112	32

Stevenson Water Right Leased into the Bank as follows:

Water Right	Rate cfs	Volume af	Acres	Proportion %	Leased Rate	Leased Volume	Leased Acres
37-2649B	3.14	560	160	98	0.63	112	32
Conveyance Losses	0.06	na	na	2	0.01	na	Na
TOTAL	3.20	560	160	100	0.64	112	32

OVERLAP ANALYSIS FOR WATER RIGHT 37-2599 FOR USB APPLICATION TO LEASE

	CFS	ACRES	AF
37-20637	1.58	79.1	238.3
37-20639	2.45	79.1	287

Combined Limit 79.1 287

Priority	CFS	ACRES	AF
1955 37-2581	3	721.7	1188
1957 37-2599	1.5	721.7	594
1958 37-2604	2.5	721.7	990
1959 37-2616	2.98	721.7	1180.1
1979 37-7758	3.5	175	525
Combined Limit	13.48	721.7	2526

1949 37-2502	5	268	938
1955 37-2568	3.2	154	539
1955 37-2581	3	721.7	1188
1957 37-2599	1.5	721.7	594
1958 37-2604	2.5	721.7	990
1959 37-2616	2.98	721.7	1180.1
1979 37-7758	3.5	175	525
1977 37-20635	8.88	806.5	2419.5
1947 37-20637	1.58	79.1	238.3
1946 37-20639	2.45	79.1	287
Combined Limit	34.59	2028.7	6709.5

	CFS	ACRES	AF
1886 37-115f	1	268	938
1886 37-501b	0.4	268	539
1886 37-501c	2	268	1188
1883 37-577k	1.38	154	594
1886 37-590b	1	268	990
1886 37-597b	0.7	268	1180.1
1949 37-2502	5	268	525
1955 37-2568	3.2	154	287
1955 37-2581	3	721.7	2419.5
1957 37-2599	1.5	721.7	238.3
1958 37-2604	2.5	721.7	287
1959 37-2616	2.98	721.7	287
1979 37-7758	3.5	175	287
1977 37-20635	8.88	806.5	287
1947 37-20637	1.58	79.1	287
1946 37-20639	2.45	79.1	287
1884 37-20641	0.96	33.3	287
1883 37-20643	0.67	33.3	287
1883 37-20645	5.4	308.7	287
1883 37-20647	0.48	270.1	287
1884 37-20649	4.34	270.1	287
1890 37-20651	0.96	270.1	287
Combined Limit	53.88	2028.7	287

LIMITS

268 acres is a limit

154 acres is a limit (577k + 2568)

721.7 acres is a limit

These groups are limited to 885 acres

270.1 acres is a limit

2028.7 there is a complete overlap of surface and ground water BUT, the orange group does not overlap surface water.

Overlap Analysis Conclusion: Right 37-2599 is completely overlapped by each right in Group A. Groups B and C do not overlap Group A.

Group A groundwater = 2029.3 acres
Group B groundwater
Group C surface water = 1034.1 acres

Palmer, Cherie

From: Paul Arrington [pla@idahowaters.com]
Sent: Friday, November 22, 2013 4:05 PM
To: Palmer, Cherie
Subject: RE: O'Gara/Stevenson Water Bank Applications--Clarifications
Attachments: Irrigation Map.pdf

See attached.

Thanks,

Paul L. Arrington
Barker Rosholt & Simpson LLP
(208) 733-0700 - telephone
(208) 404-9436 - mobile

CONFIDENTIALITY NOTICE: This e-mail and its attachments are confidential and may be privileged. If you believe this e-mail has been sent to you in error, please notify the sender immediately and delete this email. Do not deliver, distribute or copy this transmission

From: Palmer, Cherie [mailto:Cherie.Palmer@idwr.idaho.gov]
Sent: Wednesday, November 20, 2013 4:27 PM
To: Paul Arrington
Subject: RE: O'Gara/Stevenson Water Bank Applications--Clarifications

Paul,

I apologize I did not respond to your email sooner! I just realized that I meant to look into your question and completely got distracted. I was ready to move forward with the rental/lease package but, I was waiting for a map of the land that was going to be irrigated within the PPU for the O'Gara property. It looks like I already received the irrigated map for Stevensons. Once I get that map I will go ahead and approve the rental/lease package starting in 2013 but, I need the map soon as we are now approaching a new year. Thanks for your help Paul.

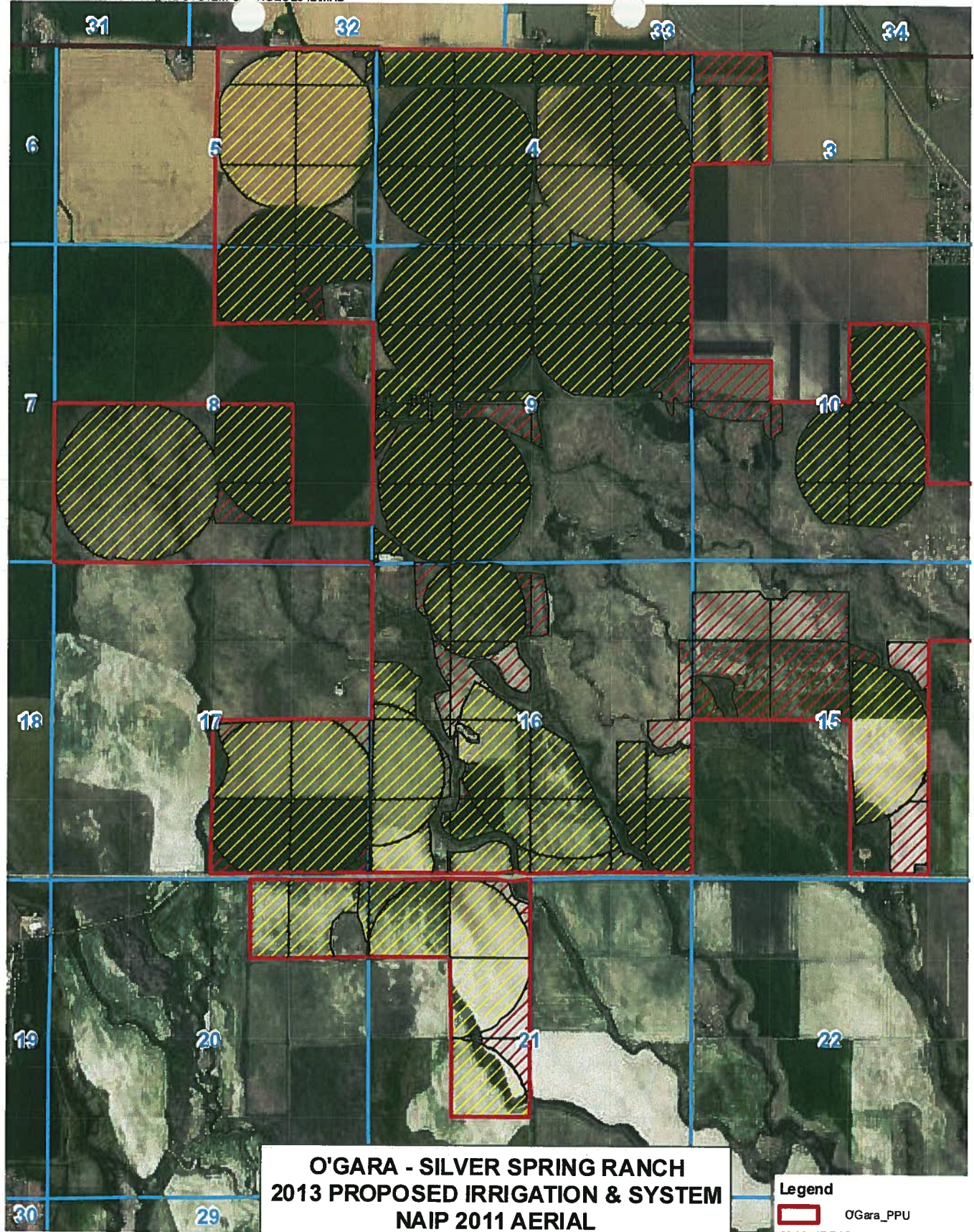
*Cherie Palmer, Sr. Water Resource Agent
Idaho Dept of Water Resources
Water Allocation Bureau
322 E. Front Street (Front St. & Broadway Ave)
Mail: PO BOX 83720 Boise, ID 83720-0098
email: cherie.palmer@idwr.idaho.gov
phone: (208) 287-4944
fax: (208) 287-6700*

From: Paul Arrington [mailto:pla@idahowaters.com]
Sent: Tuesday, November 12, 2013 9:50 AM
To: Paul Arrington; Palmer, Cherie
Subject: RE: O'Gara/Stevenson Water Bank Applications--Clarifications

Cherie:

I was looking through my files and trying to find the status of this water bank application. Do you have any updates?

Thanks,



**O'GARA - SILVER SPRING RANCH
2013 PROPOSED IRRIGATION & SYSTEM
NAIP 2011 AERIAL**

**ALLOWED IRRIGATION = 2,028.7 AC.
ACTUAL IRRIGATION = 2,025.3 AC.**

Legend

- O'Gara_PPU
- 2012_IRRIGATION_CHANGES
- Dry Farmed = 315.2 Ac.
- Irrigated = 2,025.3 Ac.
- Township/Range
- Sections
- QQ

Palmer, Cherie

From: Paul Arrington [pla@idahowaters.com]
Sent: Wednesday, June 26, 2013 7:24 AM
To: Palmer, Cherie
Cc: Paul Arrington; Sharon Strickland
Subject: RE: O'Gara/Stevenson Water Bank Applications--Clarifications
Attachments: 206 map 2013 season.pdf

Cherie: Sorry for the delay.

1. Yes. Please correct the Point of Diversion of 37-2649B as indicated in your email below.
2. That is fine RE: the conveyance loss
3. See attached map for Stevenson which was provided to IDWR regarding the PPU's. I will get an updated map for O'Gara as soon as I can.

Thanks,

Paul L. Arrington
Barker Rosholt & Simpson LLP
(208) 733-0700 - telephone
(208) 404-9436 - mobile

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From: Palmer, Cherie [mailto:Cherie.Palmer@idwr.idaho.gov]
Sent: Monday, June 17, 2013 5:20 PM
To: Paul Arrington
Subject: O'Gara/Stevenson Water Bank Applications--Clarifications

Paul,

I reviewed the O'Gara/Stevenson water supply bank applications and found a few points of clarification before I can move forward with approvals. Here are the items of concerns:

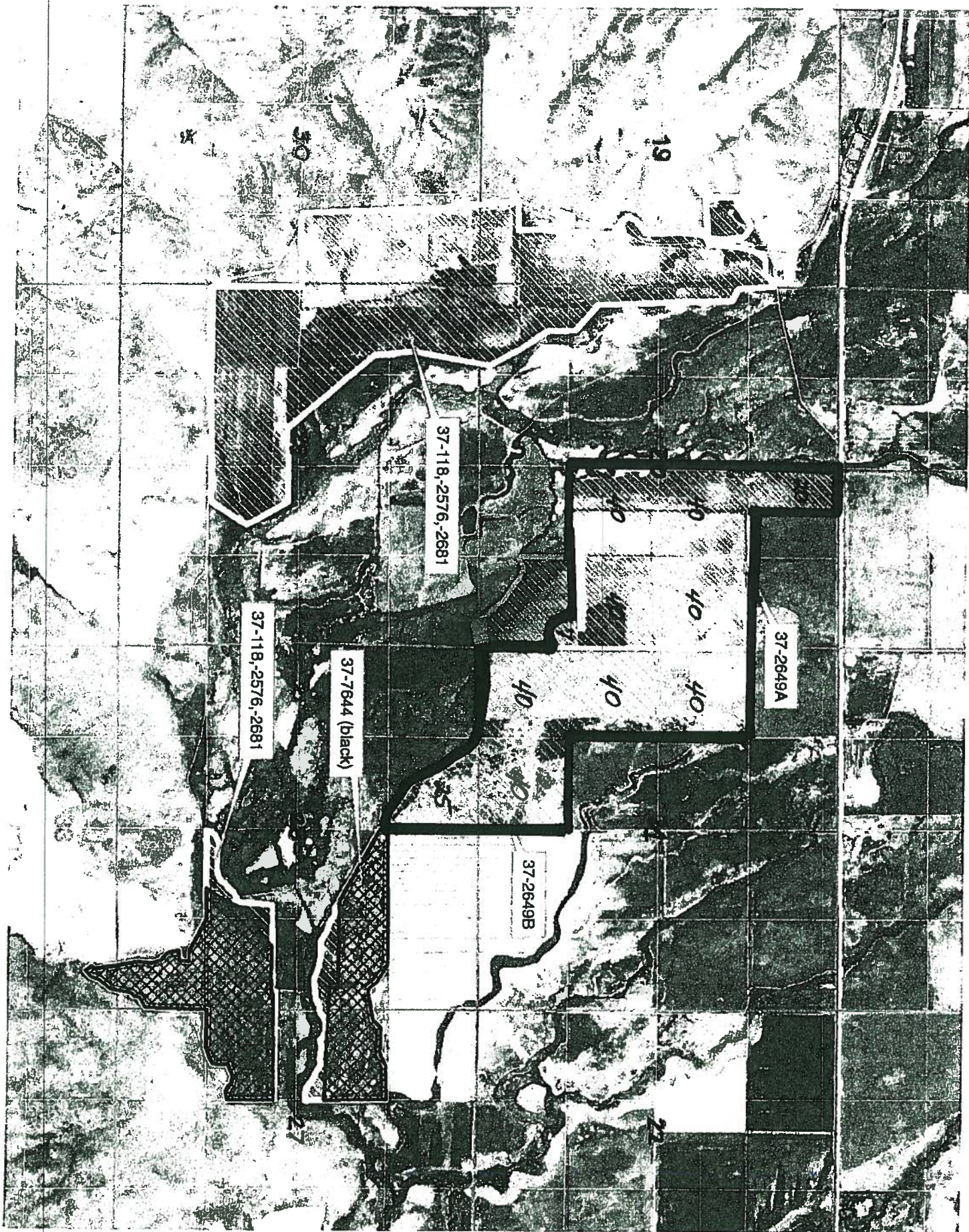
- Water right 37-2649B includes a point of injection and a point of redirection in addition to the point of diversion—it will be necessary to add the points of redirection and injection for the rental application for the Stevensons as the point of diversion is from Patton Creek and the bank is not able to authorize the construction of a new well. An email confirmation clarifying this from you would be sufficient.
- Water right 37-2649B includes some conveyance losses. The diversion rate of 0.63 cfs will be available to the Stevenson as the 0.01 cfs represents conveyance losses. If you would like for me to proceed differently, please let me know.
- Water rights 37-2649B and 37-2581 et. al. include language that the place of use will be identified within the permissible place of use. Can you please provide a map that shows me:
 - Place of use of 372 acres that will be irrigated under 37-2649B
 - Place of use of 721.7 acres that will be irrigated under 37-2581 et. al.

- If there is going to be a change to the remaining 1,307 acres under the remaining overlapping rights, we will also need a map showing where the full 2,028.7 acres will be irrigated within the 3,345 acre permissible place of use.

I hope these last few items will allow me to move forward. I look forward to hearing back from you and please let me know if you have any questions regarding this matter.

Cherie Palmer, Sr. Water Resource Agent
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Palmer, Cherie

From: Palmer, Cherie
Sent: Monday, June 17, 2013 5:35 PM
To: 'Kevin Lakey'
Subject: WSB applications O'Gara/Stevenson

Hi Kevin,

These guys have a few applications in the WSB hopper. This is what they want to do:

OGaras want to lease in 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 and rent it out to Stevenson's so they can irrigate 32 acres on O'Garas property out of the Stevenson system.

And then...Stevensons want to lease in 37-2649B and rent it out to OGaras so they can irrigate 32 acres on the Stevenson's property out of the OGara system.

Essentially, the only thing they are doing is changing the points of diversion for the rights.

I don't see any problems with the proposal but I didn't want to miss anything.

I attached their map if you need to see a picture of their proposal...I know I did ☺

Plus I attached my review memo to this email as well, just in case.



L1.2 Lease Review
Memo.docx



DOC.pdf

— No response from watermaster
cp

Cherie

Palmer, Cherie

From: Merritt, Allen
Sent: Tuesday, May 21, 2013 5:13 PM
To: Palmer, Cherie
Subject: RE: O'Gara/Stevenson Water Supply Bank Apps 37-2599 and 37-2649B

Cherie,

I cannot explain the decreed condition requiring use of surface water first for rights 37-2649A and 37-2649B. It appears to be a mistake likely because of they have combined limits with rights 37-7644 and 37-7014 that both have surface water on their POU.

As you know we did not change that condition when we recently approved the transfer of these two rights. (37-2649A and 37-2649B).

I would say they are not supplemental.

Allen

From: Palmer, Cherie
Sent: Thursday, May 16, 2013 5:20 PM
To: Merritt, Allen
Subject: O'Gara/Stevenson Water Supply Bank Apps 37-2599 and 37-2649B

Hey Allen,

These guys have a few applications in the WSB hopper and I plan to deny their application to lease 37-2599 (O'Gara) because of the overlaps but I think that 37-2649B can be approvable as long as there's no supplemental issues. This is essentially what they want to do: OGaras want to lease in 37-2599 and rent it out to Stevenson's so they can irrigate 32 acres on O'Garas property out of the Stevenson system. And then...Stevensons want to lease in 37-2649B and rent it out to OGaras so they can irrigate 32 acres on the Stevenson's property out of the OGara system. Phew...this was a lot for me to wrap around my brain so I apologize if I got wordy.

I plan on denying their request to lease 37-2599 into the bank because it is stacked with several other water rights that need to be included in the lease. But, I believe we can approve the lease of 37-2649B as long as it is not supplemental. Since it was recently involved in a transfer I was thinking you guys at the region had a quick idea of the nature of 37-2649B. I don't see any surface water rights at the POU for 37-2649B but I didn't want to miss anything.

I attached their map if you need to see a picture of their proposal...I know I did ☺

<< File: DOC.pdf >>

Cherie

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



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RECEIVED

JUN 04 2013

DEPARTMENT OF
WATER RESOURCES

June 3, 2013

Cherie Palmer
Idaho Dept. of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RE: *O'Gara Water Bank Lease Application*

Dear Ms. Palmer,

Enclosed, please find check number 1225 in the amount of \$250.00 for the additional fee for the O'Gara Water Bank Lease Application.

Please mail back a receipt in via the postage prepaid self addressed envelope. 

Should you have any questions, please contact Paul L. Arrington at (208) 733-0700.

Thank you,


Jessica Nielsen
Assistant for Paul L. Arrington

Enclosures
PLA/jn