

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76658

RECEIVED

OCT 04 2011

DEPT. OF WATER RESOURCES
SOUTHERN REGION

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) THOMAS M. O'GARA FAMILY TRUST C/O BRIAN BARSOTTI Phone (208) 726-3030

Mailing address P.O. BOX 370, KETCHUM, ID 83340 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

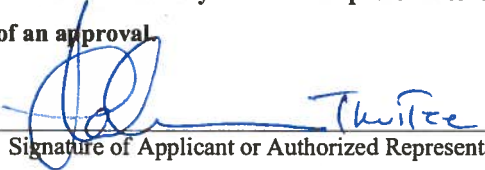
☐ No Representative

Name of Representative PAUL L. ARRINGTON Phone (208) 733-0700

Mailing address P.O. BOX 485, TWIN FALLS, ID 83303 Email PLA@IDAHOWATERS.COM

- ☒ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

THOMAS O'GARA
Print Name and Title if applicable

9/26/11
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other CREATE PPU
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. CREATE PERMISSIBLE PLACE OF USE TO ALLOW FOR IRRIGATION FLEXIBILITY AND TO ALLOW FOR IRRIGATION OF PROPERTY WITHOUT APPURTENANT WATER RIGHTS. COMBINE PPU CREATED BY TRANSFER 75175 INTO FARM SYSTEM & ADD POD'S TO CERTAIN GROUNDWATER RIGHTS.**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
SEE EXHIBIT A					
All or Part					
☒	☐			to	
☒	☐			to	
☒	☐			to	
☒	☐			to	
☒	☐			to	
☒	☐			to	
☒	☐			to	
☒	☐			to	
☒	☐			to	
☒	☐			to	

Total authorized under rights 53.88 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 53.88 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion: SEE EXHIBIT C - IDENTIFYING ADDED POD TO CERTAIN RIGHTS

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

3345 acres

SEE EXHIBITS B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: WELLS, PUMPS, PIPES, POND AND SPRINKLERS

- b. Who owns the property at the point(s) of diversion? APPLICANT

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: THIS APPLICATION SEEKS TO CREATE A PPU THAT IS CONSISTENT WITH THE CURRENT IRRIGATION PRACTICES ON THE O'GARA PROPERTIES - INCLUDING ADDING POINTS OF DIVERSION TO CERTAIN GROUNDWATER RIGHTS AND COMBINING TRANSFER NO. 75175

e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: NONE

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

Total Acres (for irrigation use) _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-2581

Current Owner: THOMAS M O GARA FAMILY TRUST
Priority Date: 8/16/1955
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	3 CFS	1188 AF
	<u>Total Diversion</u>	3 CFS	1188 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SW1/4SE1/4 Sec. 17, Twp 01S, Rge 19E B.M.
BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T01S R19E S16	NWNE	11.00	T01S R19E S16	SWNE	1.00
T01S R19E S16	NENW	40.00	T01S R19E S16	NWNW	17.00
T01S R19E S16	SWNW	26.00	T01S R19E S16	SENE	38.00
T01S R19E S16	NESW	40.00	T01S R19E S16	NWSW	39.00
T01S R19E S16	SWSW	37.00	T01S R19E S16	SESW	39.00
T01S R19E S16	NWSE	24.00	T01S R19E S16	SWSE	38.00
T01S R19E S16	SESE	37.00	T01S R19E S17	NESE	41.00
T01S R19E S17	NWSE	36.00	T01S R19E S17	SWSE	39.00
T01S R19E S17	SESE	39.00	T01S R19E S20	NENE	31.00
T01S R19E S20	NWNE	20.00	T01S R19E S21	NENW	40.00
T01S R19E S21	NWNW	40.00	T01S R19E S21	SENE	41.00
T01S R19E S21	NESW	41.00			

Total Acres: 755

Conditions of Approval:

1. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 206 Rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-37-7758 when combined are limited to the irrigation in a single irrigation season of a specific 721.7 acres within the 755 place of use authorized under this approval. The specific 721.7 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right and 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 721.7 acres to be irrigated within the 755 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.
4. R63 This right 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 of the place of use.
5. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. X35 Rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 when combined shall not exceed a total annual maximum diversion volume of 2526 af at the field headgate and the irrigation of 721.7 acres.
8. X27 This right is limited to the irrigation of 721.7 acres within the authorized place of use in a single irrigation season.

Decreed Date: 6/1/2010

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 37-2599

Current Owner: THOMAS M O GARA FAMILY TRUST

Priority Date: 9/30/1957

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

04/15 to 10/31

1.5 CFS

594 AF

Total Diversion

1.5 CFS

594 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4SW1/4SW1/4

Sec. 16, Twp 01S, Rge 19E B.M.

BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T01S R19E S16	NWNE	11.00	T01S R19E S16	SWNE	1.00
T01S R19E S16	NENW	40.00	T01S R19E S16	NWNW	17.00
T01S R19E S16	SWNW	26.00	T01S R19E S16	SENW	38.00
T01S R19E S16	NESW	40.00	T01S R19E S16	NWSW	39.00
T01S R19E S16	SWSW	37.00	T01S R19E S16	SESW	39.00
T01S R19E S16	NWSE	24.00	T01S R19E S16	SWSE	38.00
T01S R19E S16	SESE	37.00	T01S R19E S17	NESE	41.00
T01S R19E S17	NWSE	36.00	T01S R19E S17	SWSE	39.00
T01S R19E S17	SESE	39.00	T01S R19E S20	NENE	31.00
T01S R19E S20	NWNE	20.00	T01S R19E S21	NENW	40.00
T01S R19E S21	NWNW	40.00	T01S R19E S21	SENW	41.00
T01S R19E S21	NESW	41.00			

Total Acres: 755

Conditions of Approval:

1. X35 Rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 when combined shall not exceed a total annual maximum diversion volume of 2526 af at the field headgate and the irrigation of 721.7 acres.
2. R63 This right 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 of the place of use.
3. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. 206 Rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-37-7758 when combined are limited to the irrigation in a single irrigation season of a specific 721.7 acres within the 755 place of use authorized under this approval. The specific 721.7 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right and 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 721.7 acres to be irrigated within the 755 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.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. X27 This right is limited to the irrigation of 721.7 acres within the authorized place of use in a single irrigation season.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Decreed Date: 6/1/2010

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-2604

Current Owner: THOMAS M O GARA FAMILY TRUST
Priority Date: 7/29/1958
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	2.5 CFS	990 AF
	<u>Total Diversion</u>	2.5 CFS	990 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4NW1/4SE1/4 Sec. 17, Twp 01S, Rge 19E B.M.
BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T01S R19E S16	NWNE	11.00	T01S R19E S16	SWNE	1.00
T01S R19E S16	NENW	40.00	T01S R19E S16	NWNW	17.00
T01S R19E S16	SWNW	26.00	T01S R19E S16	SENE	38.00
T01S R19E S16	NESW	40.00	T01S R19E S16	NWSW	39.00
T01S R19E S16	SWSW	37.00	T01S R19E S16	SESW	39.00
T01S R19E S16	NWSE	24.00	T01S R19E S16	SWSE	38.00
T01S R19E S16	SESE	37.00	T01S R19E S17	NESE	41.00
T01S R19E S17	NWSE	36.00	T01S R19E S17	SWSE	39.00
T01S R19E S17	SESE	39.00	T01S R19E S20	NENE	31.00
T01S R19E S20	NWNE	20.00	T01S R19E S21	NENW	40.00
T01S R19E S21	NWNW	40.00	T01S R19E S21	SENE	41.00
T01S R19E S21	NESW	41.00			

Total Acres: 755

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. X35 Rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 when combined shall not exceed a total annual maximum diversion volume of 2526 af at the field headgate and the irrigation of 721.7 acres.
5. 206 Rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 when combined are limited to the irrigation in a single irrigation season of a specific 721.7 acres within the 755 place of use authorized under this approval. The specific 721.7 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right and 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 721.7 acres to be irrigated within the 755 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.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. X27 This right is limited to the irrigation of 721.7 acres within the authorized place of use in a single irrigation season.
8. R63 This right 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 of the place of use.

Decreed Date: 6/1/2010

Conditions of Approval:

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. 206 Rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-37-7758 when combined are limited to the irrigation in a single irrigation season of a specific 721.7 acres within the 755 place of use authorized under this approval. The specific 721.7 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right and 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 721.7 acres to be irrigated within the 755 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.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. R63 This right 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 of the place of use.
5. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. X27 This right is limited to the irrigation of 721.7 acres within the authorized place of use in a single irrigation season.
7. X35 Rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 when combined shall not exceed a total annual maximum diversion volume of 2526 af at the field headgate and the irrigation of 721.7 acres.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Decreed Date: 6/1/2010

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-7758

Current Owner: THOMAS M O GARA FAMILY TRUST
Priority Date: 2/6/1979
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	3.5 CFS	525 AF
	<u>Total Diversion</u>	3.5 CFS	525 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4SW1/4	Sec. 16,	Twp 01S,	Rge 19E B.M.
BLAINE County	(Injection)			
GROUND WATER	SE1/4SE1/4NW1/4	Sec. 16,	Twp 01S,	Rge 19E B.M.
BLAINE County	(Rediversion)			
GROUND WATER	SW1/4NE1/4SW1/4	Sec. 16,	Twp 01S,	Rge 19E B.M.
BLAINE County				
GROUND WATER	NW1/4SE1/4SE1/4	Sec. 16,	Twp 01S,	Rge 19E B.M.
BLAINE County	(Rediversion)			

Place of Use

IRRIGATION Within BLAINE County

T01S R19E S16	NWNE	11.00	T01S R19E S16	SWNE	1.00
T01S R19E S16	NENW	40.00	T01S R19E S16	NWNW	17.00
T01S R19E S16	SWNW	26.00	T01S R19E S16	SENW	38.00
T01S R19E S16	NESW	40.00	T01S R19E S16	NWSW	39.00
T01S R19E S16	SWSW	37.00	T01S R19E S16	SESW	39.00
T01S R19E S16	NWSE	24.00	T01S R19E S16	SWSE	38.00
T01S R19E S16	SESE	37.00	T01S R19E S17	NESE	41.00
T01S R19E S17	NWSE	36.00	T01S R19E S17	SWSE	39.00
T01S R19E S17	SESE	39.00	T01S R19E S20	NENE	31.00
T01S R19E S20	NWNE	20.00	T01S R19E S21	NENW	40.00
T01S R19E S21	NWNW	40.00	T01S R19E S21	SENW	41.00
T01S R19E S21	NESW	41.00			

Total Acres: 755

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. X27 This right is limited to the irrigation of 175 acres within the authorized place of use in a single irrigation season.
3. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. R63 This right 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 of the place of use.
5. 206 Rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-37-7758 when combined are limited to the irrigation in a single irrigation season of a specific 721.7 acres within the 755 place of use authorized under this approval. The specific 721.7 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right and 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 721.7 acres to be irrigated within the 755 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.
6. X35 Rights 37-2581, 37-2599, 37-2604, 37-2616, and 37-7758 when combined shall not exceed a total annual maximum diversion volume of 2526 af at the field headgate and the irrigation of 721.7 acres.
7. R05 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.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
10. G03 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.

Decreed Date: 6/1/2010

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by DB Date 10-4-2011 Prelim. Check by X Date _____

Fee Paid \$1,430- Date 7-12-2010 Received by JR Receipt # S031528

Add'l Fee Paid \$1,540- Date 10-4-2011 Received by *JK* Receipt # S032162

ORIGINAL WATER RIGHTS FOR TRANSFER NO. 76658

All/Part	Right Number	Amount	Nature of Use	Period of Use	Source/Tributary
All	37-115F	1 CFS	IRRIGATION	4/15 10/31	BIG WOOD RIVER/MALAD
All	37-501B	0.4 CFS	IRRIGATION	4/15 10/31	BIG WOOD RIVER/MALAD
All	37-501C	2 CFS	IRRIGATION	4/15 10/31	BIG WOOD RIVER/MALAD
All	37-577K	1.38 CFS	IRRIGATION	4/15 10/31	BIG WOOD RIVER/MALAD
All	37-590B	1 CFS	IRRIGATION	4/15 10/31	BIG WOOD RIVER/MALAD
All	37-597B	0.7 CFS	IRRIGATION	4/15 10/31	BIG WOOD RIVER/MALAD
All	37-2502	5 CFS	IRRIGATION	4/15 10/31	GROUNDWATER
All	37-2568	3.2 CFS	IRRIGATION	4/15 10/31	GROUNDWATER
All	37-20635	8.88 CFS	IRRIGATION	4/1 11/1	GROUNDWATER
All	37-20637	1.58 CFS	IRRIGATION	4/1 11/1	GROUNDWATER
All	37-20639	2.45 CFS	IRRIGATION	4/1 11/1	GROUNDWATER
All	37-20641	0.96 CFS	IRRIGATION	4/1 11/1	BIG WOOD RIVER/MALAD
All	37-20643	0.67 CFS	IRRIGATION	4/1 11/1	BIG WOOD RIVER/MALAD
All	37-20645	5.4 CFS	IRRIGATION	4/1 11/1	BIG WOOD RIVER/MALAD
All	37-20647	0.48 CFS	IRRIGATION	4/1 11/1	BIG WOOD RIVER/MALAD
All	37-20649	4.34 CFS	IRRIGATION	4/1 11/1	BIG WOOD RIVER/MALAD
All	37-20651	0.96 CFS	IRRIGATION	4/1 11/1	BIG WOOD RIVER/MALAD
	TOTAL	40.4			

WATER RIGHTS ADDED THROUGH AMENDMENT OF TRANSFER NO. 76658

All/Part	Right Number	Amount	Nature of Use	Period of Use	Source/Tributary
All	37-2581	3 CFS	IRRIGATION	4/15 10/31	GROUNDWATER
All	37-2599	1.5 CFS	IRRIGATION	4/15 10/31	GROUNDWATER
All	37-2604	2.5 CFS	IRRIGATION	4/15 10/31	GROUNDWATER
All	37-2616	2.98 CFS	IRRIGATION	4/15 10/31	GROUNDWATER
All	37-7758	3.5 CFS	IRRIGATION	4/15 10/31	GROUNDWATER
	TOTAL	13.48			

TOTAL ORIGINAL DIV. RATE	40.40
TOTAL ADDED DIV. RATE	13.48
TOTAL DIV. RATE FOR AMENDED TRANSFER:	53.88

EXHIBIT B TO SECOND AMENDED TRANSFER
APPLICATION

O'GARA SILVER SPRING RANCH				
2011 PPU DESCRIPTION				
BROCKWAY ENGINEERING, PLLC.				
ALR - OCT. 3, 2011				
TOWNSHIP	RANGE	SEC	QQ	ACRES
01S.	19E	3	SWNW	16
			NWSW	40
		4	SWNE	17
			SENE	16
			SWNW	18
			SENE	18
			NESW	40
			NWSW	40
			SWSW	40
			SESW	40
			NESE	40
			NWSE	40
			SWSE	40
			SESE	40
		5	SWNE	19
			SENE	19
			NESE	41
			NWSE	41
			SWSE	41
			SESE	41
		8	NENE	39
			NWNE	39
			NESW	40
			NWSW	40
			SWSW	40
			SESW	40
			NWSE	40
			SWSE	40
			SESE	20
		9	NENE	40
			NWNE	40
			SWNE	40
			SENE	40
			NENW	40
			NWNW	40
			SWNW	40
			SENE	40
			NESW	41
			NWSW	41
			SWSW	41
			SESW	41
			NESE	41
			NWSW	41
			SWSE	41
			SESE	41

		10	SWNE	40
			SWNW	21
			NESW	40
			NWSW	40
			SWSW	40
			SESW	40
			NWSE	40
			SWSE	40
			SESE	40
		15	NENE	40
			NWNE	40
			SWNE	40
			NENW	40
			NWNW	40
			SWNW	40
			SENW	40
			NWSE	40
			SWSE	37
		16	NENE	41
			NWNE	40
			SWNE	40
			SENE	41
			NENW	40
			NWNW	39
			SWNW	40
			SENW	40
			NESW	41
			NWSW	41
			SWSW	38
			SESW	38
			NESE	41
			NWSW	41
			SWSE	38
			SESE	38
		17	NESE	41
			NWSE	40
			SWSE	37
			SESE	38
		20	NENE	40
			NWNE	20
		21	NENW	40
			NWNW	40
			SENW	41
			NESW	40
		TOTAL		3345

**EXHIBIT C TO SECOND AMENDED TRANSFER APPLICATION
OF O'GARA FAMILY TRUST**

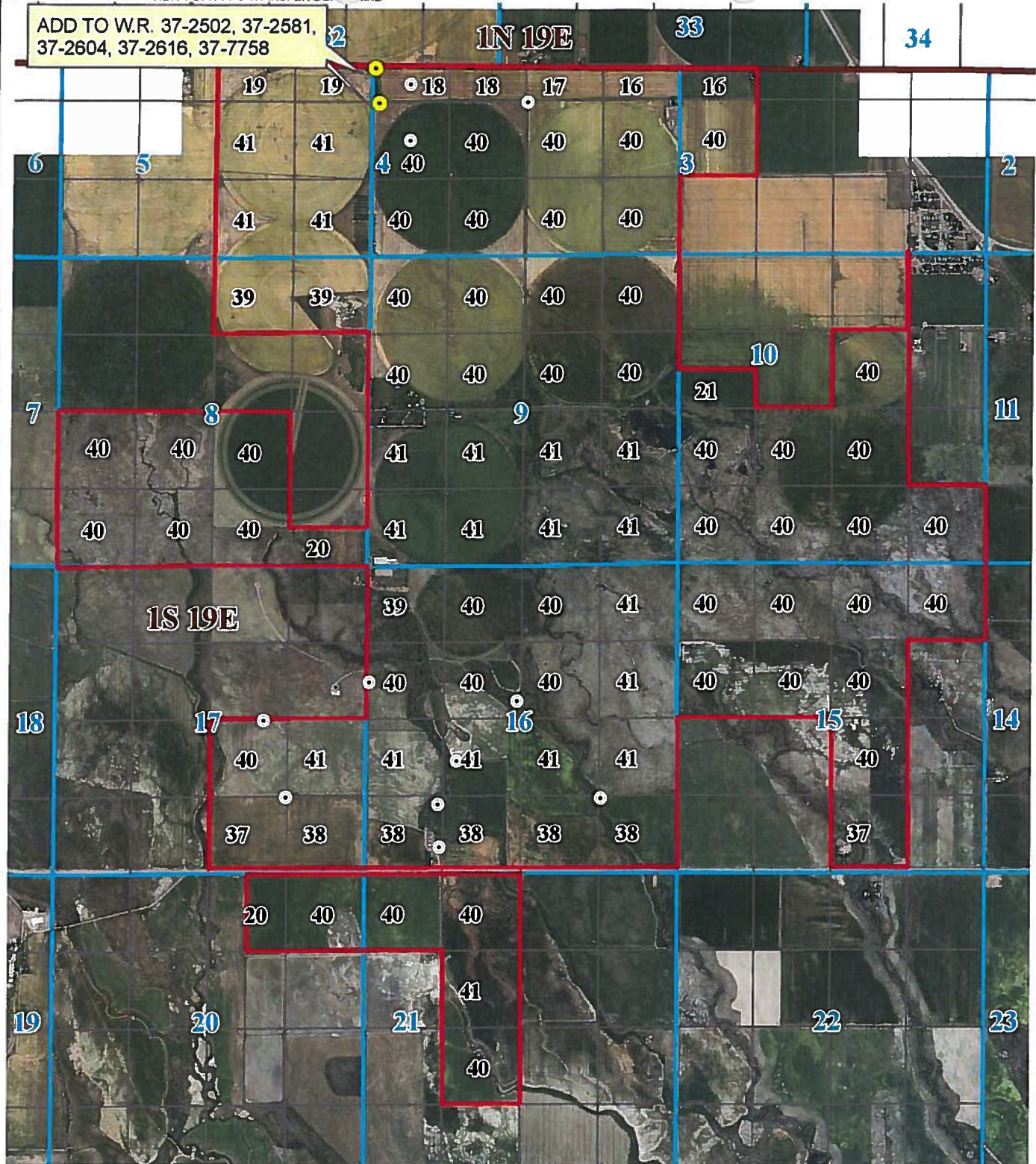
The Points of Diversion identified below should be added to the following ground water rights:

- 37-2502
- 37-2581
- 37-2604
- 37-2616
- 37-7758

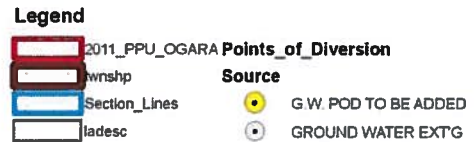
Points of Diversion:

Lot 4(SWNW)	§4	T.1S	R.19E	Blaine County
NWNWSW	§4	T.1S	R.19E	Blain County

ADD TO W.R. 37-2502, 37-2581,
37-2604, 37-2616, 37-7758



O'GARA - SILVER SPRING RANCH
2011 PROPOSED PERMISSIBLE PLACE OF USE
NAIP 2009 AERIAL



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76658

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

- | Yes | N/A | |
|-------------------------------------|-------------------------------------|--|
| ☒ | ☐ | * Means the item is <u>always required</u> and must be included with the application. |
| ☒ | ☐ | * Completed Application for Transfer of Water Right form, Part 1. |
| ☒ | ☐ | * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative. |
| ☒ | ☐ | * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded. |
| ☐ | ☒ | * Complete and attach an Application for Transfer Part 2B <u>for each water right</u> for which <u>only a portion</u> is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf . |
| ☐ | ☐ | * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s). |
| ☒ | ☐ | * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.) |

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- | | | |
|-------------------------------------|-------------------------------------|--|
| ☐ | ☒ | #1 If the applicant is a business, partnership, organization, or association, and <u>not</u> currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.) |
| ☐ | ☒ | #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. |
| ☐ | ☒ | #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). |
| ☐ | ☒ | #3 Documentation of authority to make the change if the applicant is not the water right owner. |
| ☐ | ☒ | #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.) |
| ☐ | ☒ | #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm . |
| ☐ | ☒ | #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.) |
| ☒ | ☐ | * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.) |
| ☒ | ☐ | * #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. |
| ☐ | ☒ | #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) |
| ☐ | ☒ | #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.) |
| ☒ | ☐ | #9 Other. Please describe: <u>Deeds</u> |

- Superseded -

RECEIVED
JUL 07 2010
DEPT. OF WATER RESOURCES
SOUTHERN REGION

ORIGINAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
JUL 07 2010
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) THOMAS M. O'GARA FAMILY TRUST C/O BRIAN BARBOTTI Phone (208) 726-3030

Mailing address P.O. BOX 370, KETCHUM, ID 83340 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative PAUL L. ABBINGTON Phone (208) 733-0700

Mailing address P.O. BOX 485, TWIN FALLS, ID 83303 Email PLA@IDAHOWATERS.COM

☒ Send all correspondence for this application to the representative and not to the applicant.

OR

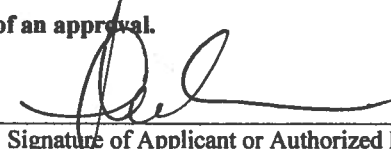
☐ Send original correspondence to the applicant and copies to the representative.

☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

THOMAS O'GARA
Print Name and Title if applicable

6/24/10
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other CREATE PPU
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2.CREATE PERMISSIBLE PLACE OF USE TO ALLOW FOR IRRIGATION FLEXIBILITY AND TO ALLOW FOR IRRIGATION OF PROPERTY WITHOUT APPURTENANT WATER RIGHTS.**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number SEE EXHIBIT A	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ All or Part				to	
☒				to	
☒				to	
☒				to	
☒				to	
☒				to	
☒				to	
☒				to	
☒				to	

Total authorized under rights 40.04 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 40.04 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	19E	3							15			40							55
		4			17	16			18	17	40	40	38	40	37	40	40	40	383.0
		9	40	40	40	40	40	40	34	40	39	40	39	40	29	38	36	33	608
		10			40				20		39	32	32	37		40	39	39	318.0
		15	30	35	35		38	40	37	40						40	30		325.0
		16						18	3.1										21.1
		8	30	39												40	39	39	187.0
			5				19	18							40	41	41	40	199

TOTAL ACRES:

2096.1

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: WELLS, PUMPS, PIPES AND SPRINKLERS

- b. Who owns the property at the point(s) of diversion? APPLICANT

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: THIS APPLICATION IS INTENDED TO EXPAND THE PPU CREATED BY TRANSFER NO. 69756 (DEC. 28, 2006) TO INCLUDE ADDITIONAL WATER RIGHTS AND TO INCLUDE CERTAIN LANDS NOT COVERED BY A WATER RIGHT.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: NONE

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

Total Acres (for irrigation use) _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-115f

Current Owner: THOMAS M O GARA FAMILY TRUST

Priority Date: 6/12/1886

Origin: Adjudication Recommendation

Status: Active

Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

1 CFS

1 CFS

Annual Volume

Location of Point(s) of Diversion

BIG WOOD RIVER

BLAINE County

SW1/4NW1/4

Sec. 36, Twp 02N, Rge 18E B.M.

Place of Use

IRRIGATION Within BLAINE County

T01S R19E S5	Lot 2	SWNE	19.00	T01S R19E S5	Lot 1	SENE	18.00
T01S R19E S5		NESE	40.00	T01S R19E S5		NWSE	41.00
T01S R19E S5		SWSE	41.00	T01S R19E S5		SESE	40.00
T01S R19E S8		NENE	30.00	T01S R19E S8		NWNE	39.00

Total Acres: 268

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 268 acres in a single irrigation season. Combined Right Nos.: 37-597B, 37-590B, 37-501C, 37-501B, 37-115F, 37-2502.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. G05 Water diverted from Headgate #45 delivered through District Canal.

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-501b

Current Owner: THOMAS M O GARA FAMILY TRUST

Priority Date: 5/1/1886

Origin: Adjudication Recommendation

Status: Active

Basis: Decreed

Source
BIG WOOD RIVER

Tributary
MALAD RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	04/15	10/31	0.4 CFS	
	Total Diversion		0.4 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER
BLAINE County

SW1/4NW1/4 Sec. 36, Twp 02N, Rge 18E B.M.

Place of Use

IRRIGATION Within BLAINE County

T01S R19E S5	Lot 2	SWNE	19.00	T01S R19E S5	Lot 1	SENE	18.00
T01S R19E S5		NESE	40.00	T01S R19E S5		NWSE	41.00
T01S R19E S5		SWSE	41.00	T01S R19E S5		SESE	40.00
T01S R19E S8		NENE	30.00	T01S R19E S8		NWNE	39.00

Total Acres: 268

Conditions of Approval:

1. G05 Water diverted from Headgate #45 delivered through District Canal.
2. E56 The rights listed below are limited to the irrigation of a combined total of 268 acres in a single irrigation season. Combined Right Nos.: 37-597B, 37-590B, 37-501C, 37-501B, 37-115F, 37-2502.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-501c

Current Owner: THOMAS M O GARA FAMILY TRUST
Priority Date: 5/1/1886
Origin: Adjudication Recommendation
Status: Active
Basis: Decreed

Source
BIG WOOD RIVER

Tributary
MALAD RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/15 to 10/31	2 CFS	
	Total Diversion	2 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER SW1/4NW1/4 Sec. 36, Twp 02N, Rge 18E B.M.
BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T01S R19E S5	Lot 2	SWNE	19.00	T01S R19E S5	Lot 1	SENE	18.00
T01S R19E S5		NESE	40.00	T01S R19E S5		NWSE	41.00
T01S R19E S5		SWSE	41.00	T01S R19E S5		SESE	40.00
T01S R19E S8		NENE	30.00	T01S R19E S8		NWNE	39.00
Total Acres: 268							

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E56 The rights listed below are limited to the irrigation of a combined total of 268 acres in a single irrigation season. Combined Right Nos.: 37-597B, 37-590B, 37-501C, 37-501B, 37-115F, 37-2502.
3. G05 Water diverted from Headgate #45 delivered through District Canal.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-577k

Current Owner: THOMAS M O GARA FAMILY TRUST
Priority Date: 3/24/1883
Origin: Adjudication Recommendation
Status: Active
Basis: Decreed

Source
BIG WOOD RIVER

Tributary
MALAD RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/15 to 10/31	1.38 CFS	
	Total Diversion	1.38 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER NE1/4SW1/4NW1/4 Sec. 36, Twp 02N, Rge 18E B.M.
BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T01S R19E S3	NWSW	40.00	T01S R19E S4	NESE	37.00
T01S R19E S4	NWSE	39.00	T01S R19E S4	SWSE	38.00
Total Acres: 154					

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 154 acres in a single irrigation season. Combined Right Nos.: 37-577K AND 37-2568.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-590B

Current Owner: THOMAS M O GARA FAMILY TRUST
Priority Date: 5/1/1886
Origin: Adjudication Recommendation
Status: Active
Basis: Decreed

Source
BIG WOOD RIVER

Tributary
MALAD RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/15 to 10/31	1 CFS	
	Total Diversion	1 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER SW1/4NW1/4 Sec. 36, Twp 02N, Rge 18E B.M.
BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T01S R19E S5	Lot 2	SWNE	19.00	T01S R19E S5	Lot 1	SENE	18.00
T01S R19E S5		NESE	40.00	T01S R19E S5		NWSE	41.00
T01S R19E S5		SWSE	41.00	T01S R19E S5		SESE	40.00
T01S R19E S8		NENE	30.00	T01S R19E S8		NWNE	39.00
Total Acres: 268							

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 268 acres in a single irrigation season. Combined Right Nos.: 37-597B, 37-590B, 37-501C, 37-501B, 37-115F, 37-2502.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. G05 Water diverted from Headgate #45 delivered through District Canal.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-597b

Current Owner: THOMAS M O GARA FAMILY TRUST
Priority Date: 5/1/1886
Origin: Adjudication Recommendation
Status: Active
Basis: Decreed

Source
BIG WOOD RIVER

Tributary
MALAD RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/15 to 10/31	0.7 CFS	
	Total Diversion	0.7 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER SW1/4NW1/4 Sec. 36, Twp 02N, Rge 18E B.M.
BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T01S R19E S5	Lot 2	SWNE	19.00	T01S R19E S5	Lot 1	SENE	18.00
T01S R19E S5		NESE	40.00	T01S R19E S5		NWSE	41.00
T01S R19E S5		SWSE	41.00	T01S R19E S5		SESE	40.00
T01S R19E S8		NENE	30.00	T01S R19E S8		NWNE	39.00
Total Acres: 268							

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. G05 Water diverted from Headgate #45 delivered through District Canal.
3. E56 The rights listed below are limited to the irrigation of a combined total of 268 acres in a single irrigation season. Combined Right Nos.: 37-597B, 37-590B, 37-501C, 37-501B, 37-115F, 37-2502.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 37-2502

Current Owner: THOMAS M O GARA FAMILY TRUST

Priority Date: 5/3/1949

Origin: Adjudication Recommendation

Status: Active

Basis:	License
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Source
GROUND WATER

Tributary

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/15 to 10/31	5 CFS	938 AF
	Total Diversion	5 CFS	938 AF

Location of Point(s) of Diversion

GROUND WATER L1(SE1/4NE1/4) Sec. 5, Twp 01S, Rge 19E B.M.
BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T01S R19E S5	Lot 2	SWNE	19.00	T01S R19E S5	Lot 1	SENE	18.00
T01S R19E S5		NESE	40.00	T01S R19E S5		NWSE	41.00
T01S R19E S5		SWSE	41.00	T01S R19E S5		SESE	40.00
T01S R19E S8		NENE	30.00	T01S R19E S8		NWNE	39.00

Total Acres: 268

Conditions of Approval:

- | | | |
|----|-----|---|
| 1. | G05 | Water diverted from Headgate #45 delivered through District Canal. |
| 2. | C18 | This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code. |
| 3. | E56 | The rights listed below are limited to the irrigation of a combined total of 268 acres in a single irrigation season. Combined Right Nos.: 37-597B, 37-590B, 37-501C, 37-501B, 37-115F, 37-2502. |

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-2568

Current Owner: THOMAS M O GARA FAMILY TRUST

Priority Date: 4/25/1955

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	04/15	10/31	3.2 CFS	539 AF
	Total Diversion		3.2 CFS	539 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4SE1/4	Sec. 4,	Twp 01S,	Rge 19E B.M.
BLAINE County				

Place of Use

IRRIGATION Within BLAINE County

T01S R19E S3	NWSW	40.00	T01S R19E S4	NESE	37.00
T01S R19E S4	NWSE	39.00	T01S R19E S4	SWSE	38.00
Total Acres: 154					

Conditions of Approval:

- E56** The rights listed below are limited to the irrigation of a combined total of 154 acres in a single irrigation season. Combined Right Nos.: 37-577K and 37-2568.
- C18** This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 5/13/2009

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-20635

Current Owner: THOMAS M O GARA FAMILY TRUST

Priority Date: 3/8/1977

Origin: Adjudication Recommendation

Status: Active

Basis: License

Source

GROUND WATER

Tributary

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 11/01	8.88 CFS	2419.5 AF
	Total Diversion	8.88 CFS	2419.5 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NW1/4SW1/4 Sec. 4, Twp 01S, Rge 19E B.M.

BLAINE County

GROUND WATER L4(SW1/4NW1/4) Sec. 4, Twp 01S, Rge 19E B.M.

BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T01S R19E S3	Lot 4	SWNW	14.00	T01S R19E S4	Lot 2	SWNE	16.00
T01S R19E S4	Lot 1	SENE	15.00	T01S R19E S4	Lot 4	SWNW	18.00
T01S R19E S4	Lot 3	SENW	17.00	T01S R19E S4		NESW	40.00
T01S R19E S4		NWSW	40.00	T01S R19E S4		SWSW	38.00
T01S R19E S4		SESW	40.00	T01S R19E S4		SESE	40.00
T01S R19E S9		NENE	40.00	T01S R19E S9		NWNE	40.00
T01S R19E S9		SWNE	40.00	T01S R19E S9		SENE	40.00
T01S R19E S9		NENW	40.00	T01S R19E S9		NVNW	40.00
T01S R19E S9		SWNW	34.00	T01S R19E S9		SENW	40.00
T01S R19E S9		NESW	39.00	T01S R19E S9		NWSW	39.00
T01S R19E S9		SWSW	40.00	T01S R19E S9		SESW	40.00
T01S R19E S9		NESE	29.00	T01S R19E S9		NWSE	34.00
T01S R19E S9		SWSE	36.00	T01S R19E S9		SESE	14.00
T01S R19E S16		NWNW	22.00				

Total Acres: 885

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Conditions of Approval:

1. Use of the rights listed below is limited to the irrigation of a combined total of 885 acres in a single irrigation season. Combined right nos. 37-20635, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, and 37-20651.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. K06 This right is limited to the irrigation of 806.5 acres within the place of use described above in a single irrigation season.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-20637

Current Owner: THOMAS M O GARA FAMILY TRUST
Priority Date: 2/12/1947
Origin: Adjudication Recommendation
Status: Active
Basis: License

Source
GROUND WATER

Tributary

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 11/01	1.58 CFS	238.3 AF
	Total Diversion	1.58 CFS	238.3 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4SW1/4	Sec. 4,	Twp 01S,	Rge 19E B.M.
BLAINE County				
GROUND WATER	L4(SW1/4NW1/4)	Sec. 4,	Twp 01S,	Rge 19E B.M.
BLAINE County				

Place of Use

IRRIGATION Within BLAINE County

T01S R19E S3	Lot 4	SWNW	14.00	T01S R19E S4	Lot 2	SWNE	16.00
T01S R19E S4	Lot 1	SENE	15.00	T01S R19E S4	Lot 4	SWNW	18.00
T01S R19E S4	Lot 3	SENW	17.00	T01S R19E S4		NESW	40.00
T01S R19E S4		NWSW	40.00	T01S R19E S4		SWSW	38.00
T01S R19E S4		SESW	40.00	T01S R19E S4		SESE	40.00
T01S R19E S9		NENE	40.00	T01S R19E S9		NWNE	40.00
T01S R19E S9		SWNE	40.00	T01S R19E S9		SENE	40.00
T01S R19E S9		NENW	40.00	T01S R19E S9		NWNW	40.00
T01S R19E S9		SWNW	34.00	T01S R19E S9		SENW	40.00
T01S R19E S9		NESW	39.00	T01S R19E S9		NWSW	39.00
T01S R19E S9		SWSW	40.00	T01S R19E S9		SESW	40.00
T01S R19E S9		NESE	29.00	T01S R19E S9		NWSE	34.00
T01S R19E S9		SWSE	36.00	T01S R19E S9		SESE	14.00
T01S R19E S16		NWNW	22.00				

Total Acres: 885

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Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E56 The rights listed below are limited to the irrigation of a combined total of 79.1 acres in a single irrigation season. Combined Right Nos.: 37-20637 and 37-20639
3. E54 The rights listed below are limited to a total combined annual diversion volume of 287 af. Combined Right Nos.: 37-20637 and 37-20639
4. Use of the rights listed below is limited to the irrigation of a combined total of 885 acres in a single irrigation season. Combined right nos. 37-20635, 37-20637, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, and 37-20651.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-20639

Current Owner: THOMAS M O GARA FAMILY TRUST

Priority Date: 6/15/1946

Origin: Adjudication Recommendation

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	04/01	to 11/01	2.45 CFS	
	Total Diversion		2.45 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4SW1/4	Sec. 4,	Twp 01S,	Rge 19E B.M.
BLAINE County				
GROUND WATER	L4(SW1/4NW1/4)	Sec. 4,	Twp 01S,	Rge 19E B.M.
BLAINE County				

Place of Use

IRRIGATION Within BLAINE County

T01S R19E S3	Lot 4	SWNW	14.00	T01S R19E S4	Lot 2	SWNE	16.00
T01S R19E S4	Lot 1	SENE	15.00	T01S R19E S4	Lot 4	SWNW	18.00
T01S R19E S4	Lot 3	SENE	17.00	T01S R19E S4		NESW	40.00
T01S R19E S4		NWSW	40.00	T01S R19E S4		SWSW	38.00
T01S R19E S4		SESW	40.00	T01S R19E S4		SESE	40.00
T01S R19E S9		NENE	40.00	T01S R19E S9		NWNE	40.00
T01S R19E S9		SWNE	40.00	T01S R19E S9		SENE	40.00
T01S R19E S9		NENW	40.00	T01S R19E S9		NWNW	40.00
T01S R19E S9		SWNW	34.00	T01S R19E S9		SENE	40.00
T01S R19E S9		NESW	39.00	T01S R19E S9		NWSW	39.00
T01S R19E S9		SWSW	40.00	T01S R19E S9		SESW	40.00
T01S R19E S9		NESE	29.00	T01S R19E S9		NWSE	34.00
T01S R19E S9		SWSE	36.00	T01S R19E S9		SESE	14.00
T01S R19E S16		NWNW	22.00				

Total Acres: 885

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Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. Use of the rights listed below is limited to the irrigation of a combined total of 885 acres in a single irrigation season. Combined right nos. 37-20635, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, and 37-20651.
3. K06 This right is limited to the irrigation of 79.1 acres within the place of use described above in a single irrigation season.

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-20641

Current Owner: THOMAS M O GARA FAMILY TRUST

Priority Date: 7/10/1884

Origin: Adjudication Recommendation

Status: Active

Basis: Decreed

Source
BIG WOOD RIVER

Tributary
MALAD RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 11/01	0.96 CFS	
	Total Diversion	0.96 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER
BLAINE County

L3(N E 1/4 S W 1/4 N W 1/4)

Sec. 36, Twp 02N, Rge 18E B.M.

Place of Use

IRRIGATION Within BLAINE County

T01S R19E S3	Lot 4	SWNW	14.00	T01S R19E S4	Lot 2	SWNE	16.00
T01S R19E S4	Lot 1	SENE	15.00	T01S R19E S4	Lot 4	SWNW	18.00
T01S R19E S4	Lot 3	SENW	17.00	T01S R19E S4		NESW	40.00
T01S R19E S4		NWSW	40.00	T01S R19E S4		SWSW	38.00
T01S R19E S4		SESW	40.00	T01S R19E S4		SESE	40.00
T01S R19E S9		NENE	40.00	T01S R19E S9		NWNE	40.00
T01S R19E S9		SWNE	40.00	T01S R19E S9		SENE	40.00
T01S R19E S9		NENW	40.00	T01S R19E S9		NWNW	40.00
T01S R19E S9		SWNW	34.00	T01S R19E S9		SENW	40.00
T01S R19E S9		NESW	39.00	T01S R19E S9		NWSW	39.00
T01S R19E S9		SWSW	40.00	T01S R19E S9		SESW	40.00
T01S R19E S9		NESE	29.00	T01S R19E S9		NWSE	34.00
T01S R19E S9		SWSE	36.00	T01S R19E S9		SESE	14.00
T01S R19E S16		NWNW	22.00				

Total Acres: 885

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Conditions of Approval:

1. K06 This right is limited to the irrigation of 33.3 acres within the place of use described above in a single irrigation season.
2. Use of the rights listed below is limited to the irrigation of a combined total of 885 acres in a single irrigation season. Combined right nos. 37-20635, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, and 37-20651.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-20643

Current Owner: THOMAS M O GARA FAMILY TRUST
Priority Date: 3/24/1883
Origin: Adjudication Recommendation
Status: Active
Basis: Decreed

Source	Tributary
BIG WOOD RIVER	MALAD RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/15 to 10/31	0.67 CFS	
	Total Diversion	0.67 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER L3(N E1/4 S W1/4 N W1/4) Sec. 36, Twp 02N, Rge 18E B.M.
BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T01S R19E S3	Lot 4	SWNW	14.00	T01S R19E S4	Lot 2	SWNE	16.00
T01S R19E S4	Lot 1	SENE	15.00	T01S R19E S4	Lot 4	SWNW	18.00
T01S R19E S4	Lot 3	SENW	17.00	T01S R19E S4		NESW	40.00
T01S R19E S4		NWSW	40.00	T01S R19E S4		SWSW	38.00
T01S R19E S4		SESW	40.00	T01S R19E S4		SESE	40.00
T01S R19E S9		NENE	40.00	T01S R19E S9		NWNE	40.00
T01S R19E S9		SWNE	40.00	T01S R19E S9		SENE	40.00
T01S R19E S9		NENW	40.00	T01S R19E S9		NWNW	40.00
T01S R19E S9		SWNW	34.00	T01S R19E S9		SENW	40.00
T01S R19E S9		NESW	39.00	T01S R19E S9		NWSW	39.00
T01S R19E S9		SWSW	40.00	T01S R19E S9		SESW	40.00
T01S R19E S9		NESE	29.00	T01S R19E S9		NWSE	34.00
T01S R19E S9		SWSE	36.00	T01S R19E S9		SESE	14.00
T01S R19E S16		NWNW	22.00				

Total Acres: 885

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Conditions of Approval:

1. Use of the rights listed below is limited to the irrigation of a combined total of 885 acres in a single irrigation season. Combined right nos. 37-20635, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, and 37-20651.
2. K06 This right is limited to the irrigation of 33.3 acres within the place of use described above in a single irrigation season.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-20645

Current Owner: THOMAS M O GARA FAMILY TRUST

Priority Date: 5/17/1883

Origin: Adjudication Recommendation

Status: Active

Basis: Decreed

Source
BIG WOOD RIVER

Tributary
MALAD RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 11/01	5.4 CFS	
	Total Diversion	5.4 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	NW1/4SE1/4NW1/4	Sec. 25,	Twp 01N,	Rge 18E B.M.
BLAINE County		(Rediversion)		
BIG WOOD RIVER	NW1/4SE1/4SW1/4	Sec. 12,	Twp 01N,	Rge 18E B.M.
BLAINE County				

Place of Use

IRRIGATION Within BLAINE County

T01S R19E S3	Lot 4	SWNW	14.00	T01S R19E S4	Lot 2	SWNE	16.00
T01S R19E S4	Lot 1	SENE	15.00	T01S R19E S4	Lot 4	SWNW	18.00
T01S R19E S4	Lot 3	SENW	17.00	T01S R19E S4		NESW	40.00
T01S R19E S4		NWSW	40.00	T01S R19E S4		SWSW	38.00
T01S R19E S4		SESW	40.00	T01S R19E S4		SESE	40.00
T01S R19E S9		NENE	40.00	T01S R19E S9		NWNE	40.00
T01S R19E S9		SWNE	40.00	T01S R19E S9		SENE	40.00
T01S R19E S9		NENW	40.00	T01S R19E S9		NWNW	40.00
T01S R19E S9		SWNW	34.00	T01S R19E S9		SENW	40.00
T01S R19E S9		NESW	39.00	T01S R19E S9		NWSW	39.00
T01S R19E S9		SWSW	40.00	T01S R19E S9		SESW	40.00
T01S R19E S9		NESE	29.00	T01S R19E S9		NWSE	34.00
T01S R19E S9		SWSE	36.00	T01S R19E S9		SESE	14.00
T01S R19E S16		NWNW	22.00				

Total Acres: 885

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Conditions of Approval:

1. K06 This right is limited to the irrigation of 308.7 acres within the place of use described above in a single irrigation season.
2. S24 Use of this right is combined with water from Base Line Canal Co.
3. Use of the rights listed below is limited to the irrigation of a combined total of 885 acres in a single irrigation season. Combined right nos. 37-20635, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, and 37-20651.
4. This right is measured and administered at the point of redirection.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-20647

Current Owner: THOMAS M O GARA FAMILY TRUST
Priority Date: 4/17/1883
Origin: Adjudication Recommendation
Status: Active
Basis: Decreed

Source		Tributary	
BIG WOOD RIVER		MALAD RIVER	
Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 11/01	0.48 CFS	
	Total Diversion	0.48 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	NW1/4SE1/4SW1/4	Sec. 12,	Twp 01N,	Rge 18E B.M.
BLAINE County				
BIG WOOD RIVER	NW1/4SE1/4NW1/4	Sec. 25,	Twp 01N,	Rge 18E B.M.
BLAINE County	(Rediversion)			

Place of Use

IRRIGATION Within BLAINE County

T01S R19E S3	Lot 4	SWNW	14.00	T01S R19E S4	Lot 2	SWNE	16.00
T01S R19E S4	Lot 1	SENE	15.00	T01S R19E S4	Lot 4	SWNW	18.00
T01S R19E S4	Lot 3	SENW	17.00	T01S R19E S4		NESW	40.00
T01S R19E S4		NWSW	40.00	T01S R19E S4		SWSW	38.00
T01S R19E S4		SESW	40.00	T01S R19E S4		SESE	40.00
T01S R19E S9		NENE	40.00	T01S R19E S9		NWNE	40.00
T01S R19E S9		SWNE	40.00	T01S R19E S9		SENE	40.00
T01S R19E S9		NENW	40.00	T01S R19E S9		NWNW	40.00
T01S R19E S9		SWNW	34.00	T01S R19E S9		SENW	40.00
T01S R19E S9		NESW	39.00	T01S R19E S9		NWSW	39.00
T01S R19E S9		SWSW	40.00	T01S R19E S9		SESW	40.00
T01S R19E S9		NESE	29.00	T01S R19E S9		NWSE	34.00
T01S R19E S9		SWSE	36.00	T01S R19E S9		SESE	14.00
T01S R19E S16		NWNW	22.00				

Total Acres: 885

Page _____ of _____

Conditions of Approval:

1. K06 This right is limited to the irrigation of 270.1 acres within the place of use described above in a single irrigation season.
2. Use of the rights listed below is limited to the irrigation of a combined total of 885 acres in a single irrigation season. Combined right nos. 37-20635, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, and 37-20651.
3. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. This right is measured and administered at the point of redirection.
6. T07 The right holder shall accomplish the change authorized by this transfer within <one> year(s) of the date of this approval.
7. S24 Use of this right is combined with water from Base Line Canal Co.
8. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-20649

Current Owner: THOMAS M O GARA FAMILY TRUST
Priority Date: 6/20/1884
Origin: Adjudication Recommendation
Status: Active
Basis: Decreed

Source
BIG WOOD RIVER

Tributary
MALAD RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/15 to 10/31	4.34 CFS	
	Total Diversion	4.34 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	NW1/4SE1/4NW1/4	Sec. 25,	Twp 01N,	Rge 18E B.M.
BLAINE County		(Rediversion)		
BIG WOOD RIVER	NW1/4SE1/4SW1/4	Sec. 12,	Twp 01N,	Rge 18E B.M.
BLAINE County				

Place of Use

IRRIGATION Within BLAINE County

T01S R19E S3	Lot 4	SWNW	14.00	T01S R19E S4	Lot 2	SWNE	16.00
T01S R19E S4	Lot 1	SENE	15.00	T01S R19E S4	Lot 4	SWNW	18.00
T01S R19E S4	Lot 3	SENW	17.00	T01S R19E S4		NESW	40.00
T01S R19E S4		NWSW	40.00	T01S R19E S4		SWSW	38.00
T01S R19E S4		SESW	40.00	T01S R19E S4		SESE	40.00
T01S R19E S9		NENE	40.00	T01S R19E S9		NWNE	40.00
T01S R19E S9		SWNE	40.00	T01S R19E S9		SENE	40.00
T01S R19E S9		NENW	40.00	T01S R19E S9		NWNW	40.00
T01S R19E S9		SWNW	34.00	T01S R19E S9		SENW	40.00
T01S R19E S9		NESW	39.00	T01S R19E S9		NWSW	39.00
T01S R19E S9		SWSW	40.00	T01S R19E S9		SESW	40.00
T01S R19E S9		NESE	29.00	T01S R19E S9		NWSE	34.00
T01S R19E S9		SWSE	36.00	T01S R19E S9		SESE	14.00
T01S R19E S16		NWNW	22.00				

Total Acres: 885

Page _____ of _____

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. This right is measured and administered at the point of redirection.
3. Use of the rights listed below is limited to the irrigation of a combined total of 885 acres in a single irrigation season. Combined right nos. 37-20635, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, and 37-20651.
4. K06 This right is limited to the irrigation of 270.1 acres within the place of use described above in a single irrigation season.
5. S24 Use of this right is combined with water from Base Line Canal Co.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-20651

Current Owner: THOMAS M O GARA FAMILY TRUST

Priority Date: 6/2/1890

Origin: Adjudication Recommendation

Status: Active

Basis: Decreed

Source	Tributary		
BIG WOOD RIVER	MALAD RIVER		
Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 11/01	0.96 CFS	
	Total Diversion	0.96 CFS	
Location of Point(s) of Diversion			
BIG WOOD RIVER	NW1/4SE1/4NW1/4	Sec. 25,	Twp 01N, Rge 18E B.M.
BLAINE County		(Rediversion)	
BIG WOOD RIVER	NW1/4SE1/4SW1/4	Sec. 12,	Twp 01N, Rge 18E B.M.
BLAINE County			

Place of Use

IRRIGATION Within BLAINE County

T01S R19E S3	Lot 4	SWNW	14.00	T01S R19E S4	Lot 2	SWNE	16.00
T01S R19E S4	Lot 1	SENE	15.00	T01S R19E S4	Lot 4	SWNW	18.00
T01S R19E S4	Lot 3	SENW	17.00	T01S R19E S4		NESW	40.00
T01S R19E S4		NWSW	40.00	T01S R19E S4		SWSW	38.00
T01S R19E S4		SESW	40.00	T01S R19E S4		SESE	40.00
T01S R19E S9		NENE	40.00	T01S R19E S9		NWNE	40.00
T01S R19E S9		SWNE	40.00	T01S R19E S9		SENE	40.00
T01S R19E S9		NENW	40.00	T01S R19E S9		NWNW	40.00
T01S R19E S9		SWNW	34.00	T01S R19E S9		SENE	40.00
T01S R19E S9		NESW	39.00	T01S R19E S9		NWSW	39.00
T01S R19E S9		SWSW	40.00	T01S R19E S9		SESW	40.00
T01S R19E S9		NESE	29.00	T01S R19E S9		NWSE	34.00
T01S R19E S9		SWSE	36.00	T01S R19E S9		SESE	14.00
T01S R19E S16		NWNW	22.00				

Total Acres: 885

Page _____ of _____

Conditions of Approval:

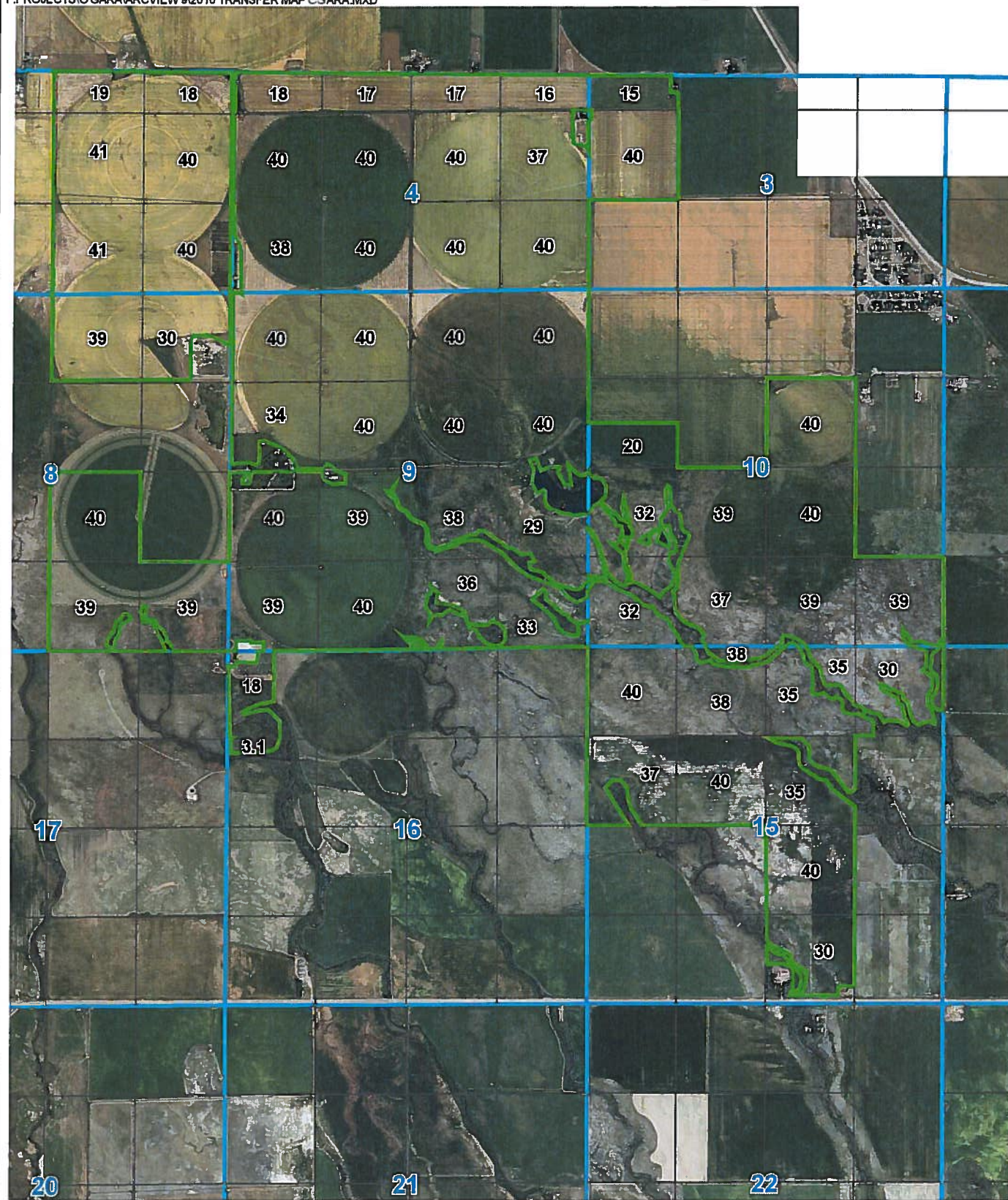
1. Use of the rights listed below is limited to the irrigation of a combined total of 885 acres in a single irrigation season. Combined right nos. 37-20635, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, and 37-20651.
2. This right is measured and administered at the point of diversion.
3. S24 Use of this right is combined with water from Base Line Canal Co.
4. K06 This right is limited to the irrigation of 270.1 acres within the place of use described above in a single irrigation season.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

Exhibit A

All/Part	Right Number	Amount	Nature of Use	Period of Use	Source/Tributary
All	37-115F	1 CFS	IRRIGATION	4/15 10/31	BIG WOOD RIVER/MALAD
All	37-501B	0.4 CFS	IRRIGATION	4/15 10/31	BIG WOOD RIVER/MALAD
All	37-501C	2 CFS	IRRIGATION	4/15 10/31	BIG WOOD RIVER/MALAD
All	37-577K	1.38 CFS	IRRIGATION	4/15 10/31	BIG WOOD RIVER/MALAD
All	37-590B	1 CFS	IRRIGATION	4/15 10/31	BIG WOOD RIVER/MALAD
All	37-597B	0.7 CFS	IRRIGATION	4/15 10/31	BIG WOOD RIVER/MALAD
All	37-2502	5 CFS	IRRIGATION	4/15 10/31	GROUNDWATER
All	37-2568	3.2 CFS	IRRIGATION	4/15 10/31	GROUNDWATER
All	37-20635	8.88 CFS	IRRIGATION	4/1 11/1	GROUNDWATER
All	37-20637	1.58 CFS	IRRIGATION	4/1 11/1	GROUNDWATER
All	37-20639	2.45 CFS	IRRIGATION	4/1 11/1	GROUNDWATER
All	37-20641	0.96 CFS	IRRIGATION	4/1 11/1	BIG WOOD RIVER/MALAD
All	37-20643	0.67 CFS	IRRIGATION	4/1 11/1	BIG WOOD RIVER/MALAD
All	37-20645	5.4 CFS	IRRIGATION	4/1 11/1	BIG WOOD RIVER/MALAD
All	37-20647	0.48 CFS	IRRIGATION	4/1 11/1	BIG WOOD RIVER/MALAD
All	37-20649	4.34 CFS	IRRIGATION	4/1 11/1	BIG WOOD RIVER/MALAD
All	37-20651	0.96 CFS	IRRIGATION	4/1 11/1	BIG WOOD RIVER/MALAD
	TOTAL	40.4			

Attachment 7 A & B



1 inch equals 2,000 feet

O'GARA - SILVER SPRING RANCH **2010 PROPOSED PPU** **NAIP 2009 AERIAL**

Legend

- Sections
- t01s19e
- Proposed PPU 2010



BROCKWAY ENGINEERING, PLLC.
 ALR (ZL) - 6/4/10

Attachment 9

Order No. 24785

4-2-85 1

WARRANTY DEED

FOR VALUE RECEIVED

FRANK G. PIERRET, TRUSTEE FOR THE DIAMOND TRUST, A REVOCABLE TRUST AGREEMENT DATED JANUARY 7, 1987

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

M.

THOMAS O'GARA FAMILY TRUST DATED JULY 8, 1982, THOMAS M. O'GARA, TRUSTEE

GRANTEE(s) whose address is: C/O BOX 10013, Ketchum, ID 83340

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

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.

420098

Deed

REQUEST

SAWTOOTH TITLE

'98 NOV 12 PM 3 39

NOTARY PUBLIC

mpp

FEES \$6.00

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

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

Dated: November 9, 1998

Frank G. Pierret Trustee
FRANK G. PIERRET, TRUSTEE

State of Idaho

} ss.

County of Blaine

On this 12th day of November, in the year 1998, before me, the undersigned, personally appeared **FRANK G. PIERRET**, known or identified to me to be the person(s) whose name is/are subscribed to the within instrument as trustee(s) of the **DIAMOND TRUST, A REVOCABLE TRUST AGREEMENT DATED JANUARY 7, 1987**, and acknowledged to me that ~~he/she~~ they executed the same as such trustee(s).

WITNESS my hand and official seal.

Marla G. Munk
Notary Public
Commission Expires: 2/01/2000



EXHIBIT "A"

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 15: A parcel of land situated within said Section 15, more particularly described as follows:

BEGINNING at the West $\frac{1}{4}$ corner of said Section 15, a GLO brass cap; thence N. $00^{\circ} 31' 30''$ W., 1327.78 feet to the North $\frac{1}{16}$ corner, a $\frac{5}{8}''$ bar; thence N. $89^{\circ} 24' 32''$ E., 2642.07 feet to the North $\frac{1}{16}$ C-C corner, a $\frac{5}{8}''$ bar; thence N. $89^{\circ} 22' 53''$ E., 1325.69 feet to the NE $\frac{1}{16}$ corner, a $\frac{5}{8}''$ bar; thence S. $00^{\circ} 49' 00''$ E., 1326.50 feet to the East $\frac{1}{16}$ C-C corner, a $\frac{5}{8}''$ bar; thence S. $00^{\circ} 45' 40''$ E., along the East line of the $W\frac{1}{2}SE\frac{1}{4}$ of said Section 15, a distance of 2564.62 feet to a point on the North right-of-way line of U.S. Highway 20; thence S. $89^{\circ} 27' 59''$ W., along said right-of-way line a distance of 1320.25 feet to a point on the West line of said $W\frac{1}{2}SE\frac{1}{4}$; thence N. $00^{\circ} 51' 37''$ W., 2562.67 feet to the center $\frac{1}{4}$ corner, a $\frac{5}{8}''$ bar; thence S. $89^{\circ} 22' 53''$ W., 2649.83 feet to the REAL POINT OF BEGINNING.

TOGETHER WITH ALL WATER RIGHTS APPURTENANT TO THE REAL PROPERTY, INCLUDING, BUT NOT LIMITED TO THE FOLLOWING DESCRIBED RIGHTS:

<u>Status</u>	<u>Number</u>	<u>Priority</u>	<u>CFS</u>	<u>Acreage</u>	<u>Source</u>
1. License	37-07663/				
	A37-07663	8/25/1977	0.10	1	Groundwater
2. License	37-08116	6/6/1983	0.030	1.6	Groundwater

THE ABOVE DESCRIBED WATER RIGHTS ARE SUBJECT TO THE FINAL OUTCOME OF ALL PROCEEDINGS IN AND THE PROVISIONS, TERMS AND CONDITIONS OF THE DECREE TO BE ENTERED IN IN RE: THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM, TWIN FALL DISTRICT COURT CASE NO. 39576 ("the SRBA"). SELLER WARRANTS THAT NONE OF THE ABOVE RIGHTS ARE SUBJECT TO FORFEITURE.

F.P.

**CORPORATION
WARRANTY DEED**

FOR VALUE RECEIVED

GIBSON FARMS, INC. , an Idaho Corporation

a corporation duly organized and existing under the laws of the State of Idaho, does hereby GRANT, BARGAIN, SELL and CONVEY unto

THOMAS M. O'GARA, TRUSTEE OF THE THOMAS M. O'GARA FAMILY TRUST DATED JULY 8, 1982

GRANTEE whose address is: c/o Brian Barsotti, P.O. Box 10013, Ketchum, ID 83340

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

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.

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

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

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its Secretary.

Dated: June 27, 1997

GIBSON FARMS, INC.

PRESIDENT

SECRETARY

State of Idaho

iss.

County of Minidoka

On this 30th day of June, in the year 1997, before me, the undersigned, personally appeared RONALD O. GIBSON AND GARY GIBSON known or identified to me to be the president, or vice-president, or secretary or assistant secretary, of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

WITNESS my hand and official seal.

Notary Public for Idaho
Commission Expires: 10/30/2000
Residing at Rupert, Idaho

Library Membership

403454
Recd
BLAINE CO. REQUEST
SAWTOOTH TITLE
JUL 1 PM 3 00
MAY GREEN CLERK
TEES \$12.00

**ORDER NO. 22906
LEGAL DESCRIPTION**

EXHIBIT "A"

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 10: SW1/4NE1/4, S1/2SW1/4NW1/4, SW1/4, NW1/4SE1/4, S1/2SE1/4 and the East 33 feet of the NW1/4NE1/4

SECTION 15: N1/2N1/2

SECTION 16: A parcel of land in said section more particularly described as follows:

COMMENCING at a 1941 U.S. G.L.O. Brass Cap marking the Northeast corner of said Section 16 and the TRUE POINT OF BEGINNING; thence S. 00° 09' 19" E., 2655.77 feet to a 1941 U.S. G.L.O. Brass Cap marking the West 1/4 corner of said Section 16; thence S. 00° 34' 24" E., 1323.80 feet to a 1997 aluminum cap marking the Southeast corner of the N1/2 SE1/4 of said Section 16; thence S. 89° 37' 38" W., 1446.45 feet along the South boundary of said N1/2SE1/4 to a 5/8 inch rebar 1 foot Southeast of a fence corner; thence N. 44° 13' 05" W., 437.64 feet along a fence line to a fence corner; thence N. 02° 58' 57" E., 391.78 feet along a fence line to a fence corner; thence N. 52° 51' 23" W., 980.12 feet along a fence line to a fence corner; thence N. 33° 17' 23" W., 37.50 feet along a fence line to a fence corner; thence N. 30° 44' 03" W., 292.03 feet along a fence line to a fence corner; thence N. 00° 32' 44" W., 491.73 feet along a fence line to a fence corner; thence N. 32° 21' 46" W., 2184.38 feet along a fence line to a 5/8 inch rebar on the North boundary of said Section 16; thence N. 89° 27' 32" E., 1165.50 feet to a 1997 aluminum cap marking the North 1/4 corner of said Section 16; thence N. 88° 40' 10" E., 2671.12 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH ANY AND ALL WATER RIGHTS APPURTENANT THERETO INCLUDING BUT NOT LIMITED TO THOSE SHOWN ON ATTACHED EXHIBIT "B" & EXHIBIT "C"





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

October 14, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

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

RE: Transfer No. 76658
Water Right No(s). 37-115F, 37-501B, 37-501C, 37-590B, 37-597B, 37-2502,
37-577K, 37-2568, 37-20635, 37-20639, 37-20641, 37-20643,
37-20645, 37-20647, 37-20649, 37-20651, 37-20637, 37-2599,
37-2604, 37-2616, 37-7758, 37-2581

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **IDAHO MOUNTAIN EXPRESS** on **10/19/2011 and 10/26/2011**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**November 7, 2011**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Buffington
Administrative Assistant

cc:

BARKER ROSHOLT & SIMPSON LLP
ATTN: PAUL L ARRINGTON
PO BOX 485
TWIN FALLS, ID 83303-0485

Buffington, Denise

From: Buffington, Denise
Sent: Friday, October 14, 2011 10:54 AM
To: 'watermanager@cableone.net' *Kevin Lakey*
Subject: Comment Letter for Application for Transfer 76658
Attachments: Comment Letter to WD37 for 76658.doc; X-fer 76658 APP.pdf

Attached is a cover letter and a copy of an application for your review &/or comment. Please feel free to use the attached recommendation form as needed. A hard copy of this information will also be mailed to you, to ensure delivery.

If you have any questions regarding the attached information, please do not hesitate to contact our office.

Thank you in advance,

Denise Buffington
Administrative Assistant
Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.buffington@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

October 14, 2011

KEVIN D LAKEY
WATER DISTRICT #37
107 W 1ST
SHOSHONE, ID 83352

RE: Application for Transfer: 76658

Dear Mr. Lakey:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, October 13, 2011 3:47 PM
To: Idaho Mountain Express
Subject: Legal Notice
Attachments: Blaine County - Cover Letter.Doc; X-fer 76658 Ad.Doc

Attached please find one (1) legal notice being submitted for publication. Please contact me if you have any questions, or if you are not able to publish the ad on the dates requested.

Thank you in advance,

Denise Buffington
Administrative Assistant
Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.buffington@idwr.idaho.gov

October 13, 2011

LEGAL NOTICE DEPARTMENT
IDAHO MOUNTAIN EXPRESS
PO BOX 1013
KETCHUM, ID 83340

RE: Transfer No. 76658
Water Right No(s): 37-115F, 37-501B, 37-501C, 37-590B, 37-597B, 37-2502, 37-577K, 37-2568,
37-20635, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, 37-20651, 37-20637, 37-2599,
37-2604, 37-2616, 37-7758, 37-2581

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before November 7, 2011. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 76658**

THOMAS M O GARA FAMILY TRUST, C/O BRIAN BARSOTTI, PO BOX 370, KETCHUM, ID 83340 has filed Application No. 76658 for changes to the following water rights within BLAINE County(s): Right No(s). 37-115F, 37-501B, 37-501C, 37-590B, 37-597B, 37-2502, 37-577K, 37-2568, 37-20635, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, 37-20651, 37-20637, 37-2599, 37-2604, 37-2616, 37-7758, 37-2581; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp.

The purpose of the transfer is to change a portion of the above rights as follows:

Transfer proposes to create a 3,345 acre permissible place of use for 12 surface water rights diverted from the Big Wood River and 10 ground water rights currently authorized for the diversion of a combined total of 53.88 cfs for the irrigation of 2,028.7 acres. The application also proposes listing additional existing wells as authorized diversion points for 5 of the 10 groundwater rights. Approximate location of the area is between 2 ¼ - 5 ¼ miles east and ¾ miles south to 2 ¾ miles north of the Timmerman Junction of Highways 75 & 24.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before November 7, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Published on 10/19 & 10/26/2011

MEMORANDUM

Date: October 11, 2011
To: Transfer 76658
From: jroberts
Re: Legal Notice Remarks

Transfer proposes to create a 3,345 acre permissible place of use for 12 surface water rights diverted from the Big Wood River and 10 ground water rights currently authorized for the diversion of a combined total of 53.88 cfs for the irrigation of 2,028,7 acres. The application also proposes listing additional existing wells as authorized diversion points for 5 of the 10 groundwater rights. Approximate location of the area is between 2 $\frac{3}{4}$ - 5 $\frac{1}{4}$ miles east and $\frac{3}{4}$ miles south to 2 $\frac{3}{4}$ miles north of the Timmerman Junction of Highways 75 & 24.



Robertson, Jean

From: Robertson, Jean
Sent: Tuesday, October 11, 2011 2:49 PM
To: 'Paul Arrington'
Subject: O'Gara Transfer 76658

Hi Paul,

Wanted to let you know that I have been working on this transfer again since you submitted the amended application and it is almost ready for advertising. (Now that we are adding wells to some of the rights, we have determined that it will need to be advertised.) Please remember also that we won't approve the transfer until we receive the map and land list showing where the 2,028.7 acres within the 3,345 acre PPU will be irrigated. Jeanie

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

**BARKER
ROSHOLT
&
SIMPSON
LLP**

Paul L. Arrington
pla@idahowaters.com

113 Main Avenue West, Suite 303
Post Office Box 485
Twin Falls, Idaho 83303-0485
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

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

October 4, 2011

Jean Robertson
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RECEIVED

OCT 04 2011

DEPT. OF WATER RESOURCES
SOUTHERN REGION

*RE: SECOND AMENDED Application for Transfer (No. 76658)
Thomas M. O'Gara Family Trust*

Dear Jean:

Attached, please find the SECOND AMENDED Application for Transfer No. 76658 filed on behalf of the Thomas M. O'Gara Family Trust. I have also included a check for \$1,540, as indicated in the August 15, 2011 Memo from Jeff Cooper.

When we last spoke, you indicated that you needed a map with the irrigated acres in the Permissible Place of Use ("PPU") that would be created under Transfer No. 76658 before it could be approved. Since we have not provided that information yet, I assume the Transfer is not finalized.

In discussing this matter with my client, and gathering the requested information, it was determined that all of the property owned by the Thomas M. O'Gara Family Trust should be included in the same PPU.

Currently, there are two PPUs. The one created by Transfer No. 76658 and one that was approved by Transfer No. 75175, approved on June 7, 2011. These two PPUs do not include all of the properties owned by Mr. O'Gara. Through this Second Amendment to Transfer No. 76658, we seek to combine all of Mr. O'Gara's acres into one large PPU.

Creation of one large PPU is consistent with the current farming practices on the O'Gara property. For example, all of Mr. O'Gara's pivots (which are located in both PPUs) are connected to the same system. The pivots are supplied by water that is first diverted to a large pond then pumped to the pivots. By creating one large PPU, Mr. O'Gara will be better equipped to maximize his water use and efficiencies.

Attached to this letter is an amended application. I have also attached an Amended Exhibit A, new Exhibits B and C, the water right reports (Part 2A) for the five additional water rights added

Jean Robertson
October 4, 2011
Page 2

to the transfer (37-2581, 37-2599, 37-2604, 37-2616 and 37-7758), and new aerial photos of the proposed PPU. I have also included aerial photos of the proposed PPU.

I have not included any of the information already on IDWR files. For example, I have not included the water right reports (Part 2A) for those rights included on the original application. Likewise, I have not included the proof of ownership that was included with the original application or with the Transfer No. 75175. If you would like me to provide this information again, please let me know and we will get it to you as quickly as possible.

The new Exhibit B provides a description of the total acres to be included within the new PPU. Exhibit B provides the legal description of all acres owned by Mr. O'Gara. I understand that the Department generally edits the PPU description to remove streams, roads and other non-irrigated lands. We have not removed these lands, however, since the Department is now requiring a description of all of the acres actually being irrigated within the PPU.

Exhibit C identifies the POD's that will be added to some – but not all – of the ground water rights. Through this amended transfer, Mr. O'Gara seeks to add a POD to certain ground water rights to allow him to divert his ground water closer to the irrigation ponds. Currently, water is pumped throughout his property and piped to the ponds, then pumped to the pivots. Diverting ground water from the wells near the ponds will increase efficiencies and reduce costs on the farm. Exhibit C identifies the ground water rights that will be affected by this change as well as the PODs to be added to the rights.

Finally, we have attached a new aerial photo of the proposed PPU. The aerial photo also identifies the POD's that will be added to the five water rights listed on Exhibit C.

Please let me know if you need anything else in relation to this SECOND AMENDED Transfer Application.

Yours truly,


Paul L. Arrington

PLA/jn

cc: Thomas M. O'Gara Family Trust (via email)
Erick Powell (via email)

Encs.

Robertson, Jean

From: Paul Arrington [pla@idahowaters.com]
Sent: Thursday, September 08, 2011 8:37 AM
To: Robertson, Jean
Subject: RE: O'Gara Transfer?

Jean:

Please wait. I have the amended transfer completed and am waiting for the signed document and check. I will get it ASAP. For your information, we are going to seek to combine this transfer with the one approved early in the summer (75175) and to add Points of Diversion to a few (but not all) of the ground water rights.

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: Robertson, Jean [<mailto:Jean.Robertson@idwr.idaho.gov>]
Sent: Thursday, September 08, 2011 8:30 AM
To: Paul Arrington
Subject: O'Gara Transfer?

Hi Paul,

Just wondering if you intended to amend their transfer and add more rights and enlarge the PPU? Had heard rumors to that effect that you might, so wondered if I should proceed with the current version or wait for the amendment?

Thanks, Jeanie

APPLICATION FOR TRANSFER MEMORANDUM

TO: FILE T76658
FROM: JEFF COOPER
SUBJECT: FILING FEE FOR PROPOSED AMENDED APPLICATION
DATE: 8/15/2011
CC: PAUL ARRINGTON - BARKER, ROSHOLT, & SIMPSON

On August 15, 2011, Paul Arrington of Barker, Rosholt, & Simpson, called on behalf of his client, Thomas M. O'Gara Family Trust, to request the Department evaluate the fee change for a proposed amendment to Application for Transfer 76658. Currently the transfer proposes to change the place of use for approximately 40.04 CFS of irrigation water rights. The application was filed under the old fee schedule and was accompanied with a fee of \$1430 (receipt S031528). The proposed amended application would include an additional 13 CFS, approximately, of rights that are utilized in the common system as T76658 and is subsequently applied to a larger PPU. In a discussion with myself, Allen Merritt, and Corey Skinner, it was determined that the amended application should be accompanied with an additional fee of \$1540 (13 CFS under the new filing fee schedule) to accommodate the proposed changes.

Robertson, Jean

From: Robertson, Jean
Sent: Wednesday, July 13, 2011 12:05 PM
To: 'pla@idahowaters.com'
Subject: O'Gara Transfer #76658

Hi Paul,

The rest of the rights in this transfer have now been decreed so I plan to get back to work on this transfer as soon as they move the records over from recommendations to water rights in our database.

Wanted to also let you know about the following requirement. IDWR has determined in those transfer situations where there is proposed to be a Permissible Place of Use (PPU) created with an acre limit less than the PPU acres where IDWR is going to apply the 206 condition or some variation of....

This right is limited to the irrigation of a specific <688.0 acres> within the <912.6 acre> place of use authorized by this right in a single irrigation season. The specific <688.0 acres> to be irrigated by the right holder <shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right> <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 <688.0 acres> to be irrigated within the <912.6 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.

IDWR will hold approval of the transfer until the specific limited acre location is identified. Please submit a land list and map showing where the 1307.0 acres within the 2096.1 ac PPU will be located. In the future to make things flow more smoothly you might as well identify the acres when the application is submitted.

We will hold approval of the transfer until the requested information is provided. Please provide the information within 30 days or the transfer application may be rejected.

If you have questions let me know.

Thanks,

Jeanie

Robertson, Jean

From: Paul Arrington [pla@idahowaters.com]
Sent: Tuesday, September 28, 2010 9:31 AM
To: Robertson, Jean
Subject: RE: Advertising Guidance Memo...

Thanks Jeanie, I think that the O'Gara application should fall under the 2nd bullet under the "Do not advertise if ..."
category. We are only making changes to the POU to contiguous land to the original POU. It is also a modification of an
existing PPU.

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: Robertson, Jean [mailto:Jean.Robertson@idwr.idaho.gov]
Sent: Tuesday, September 28, 2010 9:27 AM
To: Paul Arrington
Subject: Advertising Guidance Memo...

Here is the memo, Paul. Just be aware that it is what we use here for guidance in the Southern Region at this
time and it seems to be working for us without much kickback so far. It is not an official signed
Administrator's Memo though... Jeanie

<<img-928091459.pdf>>

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



Paul L. Arrington
pla@idahowaters.com

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Post Office Box 2139
Boise, Idaho 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

RECEIVED

JUL 09 2010

**DEPT. OF WATER RESOURCES
SOUTHERN REGION**

July 8, 2010

Idaho Department of Water Resources, Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301

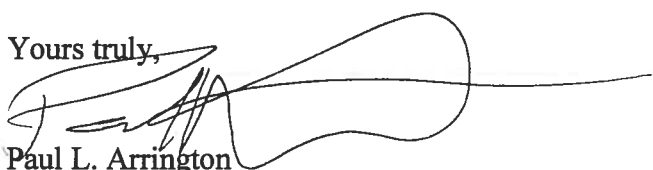
*RE: Deed for Application for Transfer of Water Rights
Thomas M. O'Gara Family Trust*

To Whom it May Concern:

On July 7, 2010, we filed an *Application for Transfer of Water Right* on behalf of the Thomas M. O'Gara Family Trust. In the cover letter, I indicated that I would forward the remaining deeds for property subject to the transfer. Those deeds are attached.

If you have any questions, please do not hesitate to give me a call.

Yours truly,


Paul L. Arrington

PLA/jn

NOV-29-2006 TUE 04:03 PM BRIAN GARSOTTI

FAX NO. 2087262422

RECEIVED

JUL 09 2010

DEPT. OF WATER RESOURCES
SOUTHERN REGIONRECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:Brian Garsotti
Attorney at Law
P O Box 370
Ketchum, Idaho 83340

(Space above this line for Recorder's Use)

QUITCLAIM DEED

FOR VALUE RECEIVED, STRIPPER RANCH TRUST DATED JULY 1, 1999, Victoria O'Sara, Trustee, does hereby convey, remise, release and forever quitclaim unto THOMAS M. O'SARA, Trustee of the Thomas M. O'Sara Family Trust dated July 8, 1982, whose address is 112 Price Lane, Bellevue, Idaho, 83313, all right, title and interest in and to the real property situated in Blaine County, Idaho, described as follows:

See Exhibit "A" attached to this Quitclaim Deed and made a part hereof,

TOGETHER WITH all water rights appurtenant thereto, as set forth in Exhibit "B" attached hereto and made a part hereof,

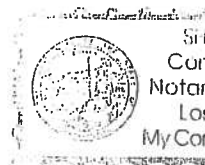
to have and to hold said real property, with its improvements, appurtenances, tenements and hereditaments unto THOMAS M. O'SARA, Trustee of the Thomas M. O'Sara Family Trust dated July 8, 1982, and to its successors and assigns forever.

DATED this 8 day of December 2005.

STRIPPER RANCH TRUST DATED
JULY 1, 1999

By

Victoria O'Sara, Trustee



FAX NO. 2087282922

P. UK

NOV-28-2005 TUE 04:03 PM BRIAN BARSOTTI

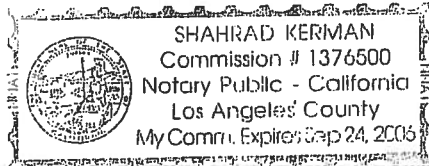
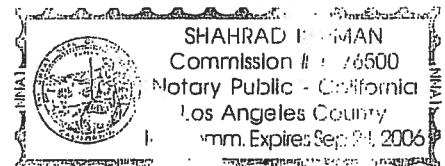
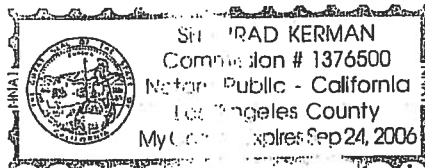
STATE OF California)
 County of Los Angeles) ss.:

On this 8 day of Dec, 2005, before me, the undersigned, a Notary Public in and for said state, personally appeared VICTORIA O'NEAL, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of the SHAHRAD KERMAN TRUST DATED JULY 1, 1999, and acknowledged to me that she executed the same as such Trustee.

WITNESS my hand and seal the day and year in this certificate first above written.

Shahrad Kerman
 Notary Public for California
 Residing at B.H.
 Commission expires: Sep 24, 2006

resides/legals..j28



SHAHRAD KERMAN
 Commission # 1376500
 Notary Public - California
 Los Angeles County
 My Comm. Expires Sep 24, 2006

Exhibit "A"

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 5: SE1/4, Lots 1 and 2.

SECTION 8: A portion of land within the N1/2NE1/4 of said Section 8 and as depicted within a Record of Survey Map recorded as Instrument No. 191510, records of Blaine County, Idaho, and said portion of land being more particularly described by metes and bounds as follows:

COMMENCING at the S1/4 Corner of said Section 8; thence
N. 00°08'47" E., 3,969.52 feet to the SW Corner of said N1/2 NE1/4; thence
N. 00°08'47" E., 37.80 feet to TRUE POINT OF BEGINNING; thence
N. 00°08'47" E., 1,275.92 feet to the N1/4 Corner of said Section 8; thence
N. 89°10'37" E., 2,655.03 feet to the NE Corner of said Section 8
S. 00°05'11" W., 1,289.38 feet along the Easterly boundary of said Section 8;
thence
S. 89°28'04" W., 2,656.19 feet to TRUE POINT OF BEGINNING.



Order No. 0057276

RECEIVED
JUL 09 2010
DEPT. OF WATER RESOURCES
SOUTHERN REGION

WARRANTY DEED

For Value Received,

Donald Nisson and Dolores Nisson, husband and wife

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

Thomas M. O'Gara Family Trust dated July 8, 1982, Thomas M. O'Gara, Trustee

GRANTEE(s), whose address is: 112 Price Ln., Bellevue, ID 83313

the following described real property, to-wit:

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN,
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3
N $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4

All located in Blaine County, Idaho.

TO HAVE AND TO HOLD the premises with its appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the current year's taxes and assessments, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 15 day of March, 2007.

Donald Nisson

Donald Nisson

Dolores Nisson

Dolores Nisson

State of Idaho

}
}ss.

County of Blaine

}

On this 15th day of March, in the year 2007, before me, the undersigned, personally appeared Donald Nisson and Dolores Nisson known or identified to me 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.

WITNESS my hand and official seal.

Mark G. Mark

Notary Public

Commission Expires: 02/12/09

Order # 57276

QUITCLAIM DEED

FOR VALUE RECEIVED

DONALD NISSON and DOLORES NISSON, husband and wife

do hereby CONVEY, RELEASE, REMISE and FOREVER quit claim unto

THE THOMAS M. O'GARA FAMILY TRUST DATED JULY 8, 1982, THOMAS M. O'GARA, TRUSTEE

whose address is: 112 Price Lane, Bellevue, ID 83313

the following described premises situated in Blaine County, Idaho, to wit:

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN,
NW¼SW¼ Section 3
N¼SE¼, SW¼SE¼ Section 4

All located in Blaine County, Idaho.

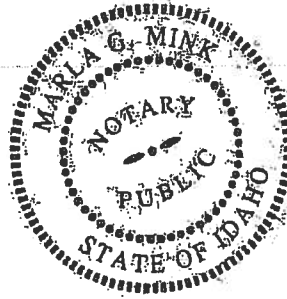
Together with but not limited to any and all water and water rights appurtenant thereto and State of Idaho Licensed Water Right No. 37-2568 with a priority dated of April 25, 1955, 3.2 CFS and sixty-nine- (69) inches of Wood River, decreed in case of S.C. Frost, et al, vs. Alturas Water Company, with priority date of March 4, 1883, together with any other water and water used and appertaining to said premises.

together with their appurtenances.

Dated: March 14, 2007

Donald Nisson
DONALD NISSON

Dolores Nisson
DOLORES NISSON



State of Idaho

}
}ss.
}

County of Blaine

On this 15th day of March, in the year 2007, before me, the undersigned Notary in and for said State, personally appeared Donald Nisson and Dolores Nisson, known or identified to me 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.

WITNESS my hand and official seal.

Marla G. Mink

Notary Public

Commission Expires: 02/12/09

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



Paul L. Arrington
pla@idahowaters.com

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Post Office Box 2139
Boise, Idaho 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

July 7, 2010

Idaho Department of Water Resources, Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301

RE: *Application for Transfer of Water Rights*
Thomas M. O'Gara Family Trust

RECEIVED
JUL 07 2010
DEPT. OF WATER RESOURCES
SOUTHERN REGION

To Whom it May Concern:

Attached you will find a copy of the *Application for Transfer of Water Right*, filed on behalf of the Thomas M. O'Gara Family Trust. Also attached, you will find check no. 29470, in the amount of \$1,430 for the application fee.

This Application seeks to expand the PPU created by transfer no. 69756 to include additional water rights and include some land not currently covered by a water right. Deeds for the land subject to transfer no. 69756, which was approved on December 28, 2006, should already be in the Department's possession. Attachment 9 includes additional deeds. I am working to collect the last remaining deeds and will forward those to the Department as soon as I have received them.

If you have any questions, please do not hesitate to give me a call.

Yours truly,



Paul L. Arrington

PLA/jf