

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75175

This is to certify that: THOMAS M O GARA FAMILY TRUST

C/O BRIAN BARSOTTI
PO BOX 370
KETCHUM ID 83340
(208)726-3030

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-2581	WR/Decreed	08/16/1955	3 cfs	1188 af	N/A	721.7	GROUND WATER
37-2599	WR/Decreed	09/30/1957	1.5 cfs	594 af	N/A	721.7	GROUND WATER
37-2604	WR/Decreed	07/29/1958	2.5 cfs	990 af	N/A	721.7	GROUND WATER
37-2616	WR/Decreed	06/03/1959	2.98 cfs	1180.1 af	N/A	721.7	GROUND WATER
37-7758	WR/Decreed	02/06/1979	3.5 cfs	525 af	N/A	175.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-2581	NO	NO	YES	NO	NO	NO
37-2599	NO	NO	YES	NO	NO	NO
37-2604	NO	NO	YES	NO	NO	NO
37-2616	NO	NO	YES	NO	NO	NO
37-7758	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

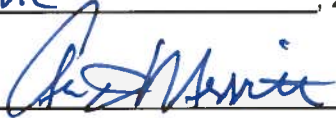
<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-2581	37-2581	3 cfs	1188 af	721.7	755.0	N/A	N/A	N/A	N/A	N/A
37-2599	37-2599	1.5 cfs	594 af	721.7	755.0	N/A	N/A	N/A	N/A	N/A
37-2604	37-2604	2.5 cfs	990 af	721.7	755.0	N/A	N/A	N/A	N/A	N/A
37-2616	37-2616	2.98 cfs	1180.1 af	721.7	755.0	N/A	N/A	N/A	N/A	N/A
37-7758	37-7758	3.5 cfs	525 af	175	755.0	N/A	N/A	N/A	N/A	N/A
COMBINED										
TOTALS		13.48 cfs	2526 af	721.7	755	N/A	N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 7th day of June, 20 11

SUPPORT DATA

IN FILE # 37-2581


Southern Region Manager

WATER RIGHT NO. 37-2599
As Modified by Transfer No. 75175

In accordance with the approval of Transfer No. 75175, Water Right No. 37-2599 is now described as follows.

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

Priority Date: September 30, 1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	1.50 CFS	594.0 AF
			1.50 CFS	594.0 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 19E 16	11.0	1.0			40.0	17.0	26.0	38.0	40.0	39.0	37.0	39.0	24.0	38.0	37.0		387.0
01S 19E 17													41.0	36.0	39.0	39.0	155.0
01S 19E 20	31.0	20.0															51.0
01S 19E 21					40.0	40.0		41.0	41.0								162.0

Total Acres: 755

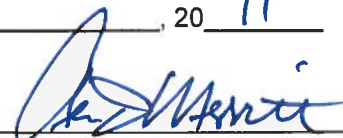
WATER RIGHT NO. 37-2599
As Modified by Transfer No. 75175

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 721.7 acres within the authorized place of use in a single irrigation season.
2. 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.
3. 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.
4. 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.
5. 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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. 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. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of June, 20 11


Southern Region Manager

WATER RIGHT NO. 37-2604
As Modified by Transfer No. 75175

In accordance with the approval of Transfer No. 75175, Water Right No. 37-2604 is now described as follows.

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

Priority Date: July 29, 1958

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	2.50 CFS	990.0 AF
			2.50 CFS	990.0 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 19E 16	11.0	1.0			40.0	17.0	26.0	38.0	40.0	39.0	37.0	39.0	24.0	38.0	37.0		387.0
01S 19E 17													41.0	36.0	39.0	39.0	155.0
01S 19E 20	31.0	20.0															51.0
01S 19E 21					40.0	40.0		41.0	41.0								162.0

Total Acres: 755

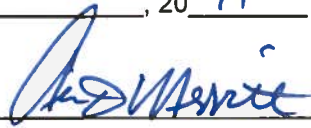
WATER RIGHT NO. 37-2604
As Modified by Transfer No. 75175

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 721.7 acres within the authorized place of use in a single irrigation season.
2. 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.
3. 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.
4. 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.
5. 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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. 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. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of June, 20 11


Southern Region Manager

WATER RIGHT NO. 37-2616
As Modified by Transfer No. 75175

In accordance with the approval of Transfer No. 75175, Water Right No. 37-2616 is now described as follows.

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

Priority Date: June 03, 1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	2.98 CFS	1,180.1 AF
			2.98 CFS	1,180.1 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 19E 16		11.0	1.0		40.0	17.0	26.0	38.0	40.0	39.0	37.0	39.0		24.0	38.0	37.0	387.0
01S 19E 17													41.0	36.0	39.0	39.0	155.0
01S 19E 20	31.0		20.0														51.0
01S 19E 21					40.0	40.0		41.0	41.0								162.0

Total Acres: 755

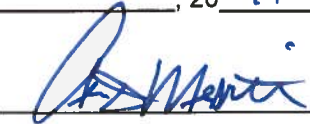
WATER RIGHT NO. 37-2616
As Modified by Transfer No. 75175

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 721.7 acres within the authorized place of use in a single irrigation season.
2. 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.
3. 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.
4. 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.
5. 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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. 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. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of June, 2011



Southern Region Manager

WATER RIGHT NO. 37-7758
As Modified by Transfer No. 75175

In accordance with the approval of Transfer No. 75175, Water Right No. 37-7758 is now described as follows.

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

Priority Date: February 06, 1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	3.50 CFS	525.0 AF
			3.50 CFS	525.0 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 19E 16		11.0	1.0		40.0	17.0	26.0	38.0	40.0	39.0	37.0	39.0		24.0	38.0	37.0	387.0
01S 19E 17													41.0	36.0	39.0	39.0	155.0
01S 19E 20	31.0	20.0															51.0
01S 19E 21					40.0	40.0		41.0	41.0								162.0

Total Acres: 755

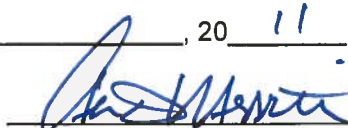
WATER RIGHT NO. 37-7758
As Modified by Transfer No. 75175

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 175 acres within the authorized place of use in a single irrigation season.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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).
7. 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.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of June, 20 11


Southern Region Manager

WATER RIGHT NO. 37-2581
As Modified by Transfer No. 75175

In accordance with the approval of Transfer No. 75175, Water Right No. 37-2581 is now described as follows.

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

Priority Date: August 16, 1955

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	3.00 CFS	1,188.0 AF
			3.00 CFS	1,188.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESWSE Sec. 17 Twp 01S Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 19E 16		11.0	1.0		40.0	17.0	26.0	38.0	40.0	39.0	37.0	39.0		24.0	38.0	37.0	387.0
01S 19E 17													41.0	36.0	39.0	39.0	155.0
01S 19E 20	31.0		20.0														51.0
01S 19E 21					40.0	40.0		41.0	41.0								162.0

Total Acres: 755

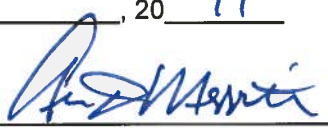
WATER RIGHT NO. 37-2581
As Modified by Transfer No. 75175

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 721.7 acres within the authorized place of use in a single irrigation season.
2. 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.
3. 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.
4. 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.
5. 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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. 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. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of June, 20 11


Southern Region Manager

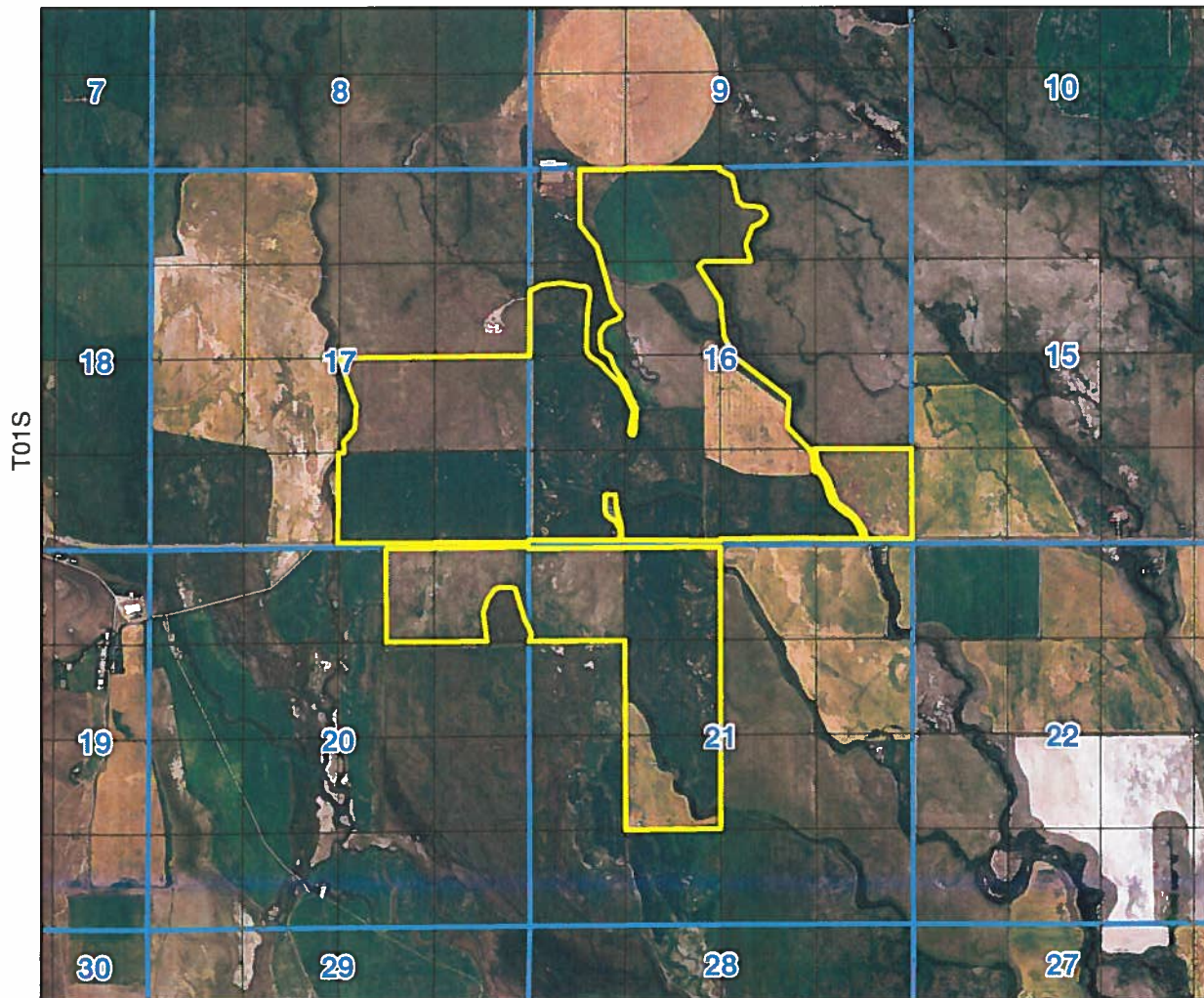
State of Idaho
Department of Water Resources
Attachment To Transfer Of Water Right

Transfer No. 75175

Rights: 37-2581, 37-2599, 37-2604, 37-2616, 37-7758

This map depicts the IRRIGATION permissible place of use boundary of 755 acres at the time of this approval and is attached to the approval document solely for illustrative purposes. Owner must specifically identify 721.7 acres to be irrigated within boundary prior to irrigation.

R19E



Legend

-  Place Of Use Boundary
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.3 0.6 1.2 Miles

