



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

October 4, 2010

THOMAS M O'GARA
PO BOX 370
KETCHUM ID 83340

RE: APPLICATION TO LEASE / RENT TO THE WATER SUPPLY BANK
WATER RIGHT NO 37-20635

Dear Applicant:

The Department of Water Resources acknowledges receipt of your applications to lease / rent Water Right 37-20635 to the Water Supply Bank. The Department is returning your applications at the request of your attorney Paul Arrington with the understanding that the applications are no longer necessary. The Department regrets any inconvenience caused by the delay in processing your applications.

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Christine Field".

Christine Field
Water Supply Bank Support

Enclosure(s)
Lease Application (original)
Rental Application (original)

c: Paul Arrington, Barker Rosholt & Simpson LLP

Water Supply Bank No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

RECEIVED
SEP 04 2008
DEPARTMENT OF
WATER RESOURCES

Name of Seller/Lessor Thomas M. O'Gara

Phone 208-726-3030 Post office address P.O. Box 370 Ketchum, ID 83340

1. DESCRIPTION OF RIGHT:

Right as evidenced by:

- a. Decree No. _____ Decreed to _____
(Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of Court)
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Permit No. 37-20635 issued by the Idaho Department of Water Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease, show "all" on line
a. below and skip the remainder of part 2.)

- a. Amount of water under right: 1.08 cubic feet per second
& / or
162 acre-feet per annum
- b. Point of diversion SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4 Township 01S Range 19E
B.M. in Blaine County
Additional points NWNWSW Sec 4 T01S R19E

c. Place of use: _____

TWP	RGE	SEC	N.E.				N.W.				S.W.				S.E.				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	19E	9														4	36	14	54

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres 54

NOTE: _____

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEROF, F OR SALE OR LEASE

a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

See Attachment

b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years.)

SRBA is still in judication of this water right and therefore this water right is not subject to forfeiture

- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

NA

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

This water right combined for a total of 885 acre PPU with water rights 37-20637, 37-20-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, and 37-20651. Water right 37-20639 is a supplemental ground water right for 612.7 acres and a primary water ground water right for 193.8 acres.

- e. If the water right is a permit, describe the work accomplished toward developing the right.

NA

- f. If the right to use the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. Remarks: The water being placed in the water bank will be leased by the owner of the water to provide irrigation water to farm land.

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For Sale;

 X For Lease for period from indefinite to _____
(Month, Day, Year) (Month, Day, Year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the State of Idaho

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

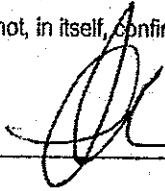
 current rental rate

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

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

_____ Date

 _____ Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

Acre Limit Calculations

Water Right	Acre Limit	Total PPU	885	acreage
			Combined Acre Limit	
37-20635	806.5		806.5	
37-20637	79.1		79.1	
37-20639	79.1			
37-20641	33.3		33.3	
37-20643	33.3			
37-20645	308.7		308.7	
37-20647	270.1			
37-20649	270.1		270.1	
37-20651	270.1			

691.2

Water covered by primary ground
water right 193.8

Water covered by supplemental
ground water right 612.7

*Albert P. Barker
John A. Rosholt
John K. Simpson
Travis L. Thompson
Shelley M. Davis
Paul L. Arrington*



Paul L. Arrington
pla@idahowaters.com

September 2, 2008

WA
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SEP 04 2008

DEPARTMENT OF
WATER RESOURCES

Aaron Marshall
IDWR Allocations Bureau
P.O. Box 83720
Boise, ID 83720-0098

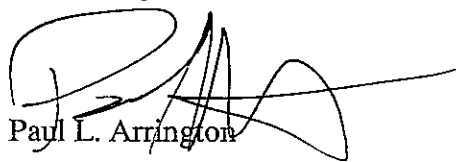
RE: *Water Bank Applications (O'Gara)*

Aaron:

Attached you will find the Companion Application of Thomas M. O'Gara, seeking to place a portion of *water right 37-20635* in the water bank and to lease that water back to Mr. O'Gara. This water will be used on other grounds owned by Mr. O'Gara that are currently without a water right.

Please call if you have any questions.

Yours truly,



Paul L. Arrington

PLA/jf

cc: Brian Barsotti (via email)
Thomas O'Gara (via email)
Charles Brockway/Erick Powell (via email)

Encs.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20635 V1

WATER RIGHT NUMBER: 37-20635 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THOMAS M O GARA FAMILY TRUST C/O BRIAN BARSOTTI PO BOX 370 KETCHUM, ID 83340 (208)726-3030
Original Owner	KERR PACIFIC CORP C/O ANDREW P KERR GILBERTSON BROWNSTEIN RASK 1200 SW MAIN BLDG PORTLAND, OR 97205 (503)221-1772

Priority Date: 03/08/1977

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	8.880 CFS	2,419.50 AF
	<u>Total Diversion:</u>	8.880 CFS	2,419.50 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

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	3							14.0										14.0
									L 4										
01S	19E	4			16.0	15.0			18.0	17.0	40.0	40.0	38.0	40.0				40.0	264.0
					L 2	L 1			L 4	L 3									
01S	19E	9	40.0	40.0	40.0	40.0	40.0	40.0	34.0	40.0	39.0	39.0	40.0	40.0	29.0	34.0	36.0	14.0	585.0
01S	19E	16						22.0											22.0

Total Acres: 885

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-20635 V1

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.

Remarks:Comments:

1. pskaggs 12/28/2006 4:53:48 PM Transferred Right
Comment: This is now a approved transfer, transfer number = 69756

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

12/99

RECEIVED

SEP 04 2008

Before the Idaho Water Resources Board

Department of Water Resources

**APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK**

Applicant: Thom O'Gara Phone No.: 208-726-3030

Address: P.O. Box 370

City: Ketchum State: ID Zip Code: 83340

A. DESCRIPTION OF WATER SOUGHT FOR RENTAL

1. Source of water Groundwater
Which is tributary to NA
2. Maximum volume of water sought 162 AF.
3. Maximum rate of diversion 1.08 cfs.

B. DESCRIPTION OF USE PROPOSED

1. Nature of use: Irrigation
2. Location of point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 8,
Township 01S, Range 19E, B.M. Blaine County.
3. Season of use: From 04/15 to 10/31.
4. Description of diverting works:
Pump HP: _____ Lift: _____ Pump type: _____
Canal Name, if appropriate: NA
5. Place of use:
 - a. If water is for irrigation, describe the number of acres to be irrigated by 40-acre tract, section, township and range.
T01S R19E Sec 8 SWSE 14.2 Acres
T01S R19E Sec 8 NWSE 39.4 Acres

 - b. If water is not for irrigation, describe the nature of the intended use and place of use.
NA

6. Describe any other water rights used for the same purposes as rental water sought under this application.

No water rights are currently associated with the proposed place of use.

7. Who owns the property at the point of diversion?

Thomas M. O'Gara

8. Who owns the property at the place of use?

Thomas M. O'Gara

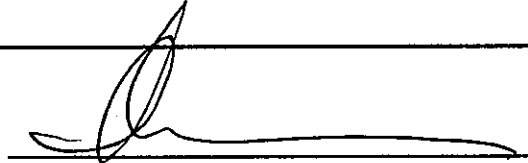
9. Are you seeking a rental for more than one (1) year? _____

If so, how many years? _____

10. Remarks: This water is being placed in the water bank to be used by the owner on his own property
for irrigation purposes.

8-26-08

Date



Signature of Applicant

FOR DEPARTMENT USE ONLY

Received by: _____ Date: _____ Time: _____

Published in: _____ Publish Date: _____

Protests filed by: _____

Hearing held by: _____

Action recommended: _____