

STARTING LEFT SIDE OF FILE

SCANNED

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 37-20654

Priority: December 21, 2000

Maximum Diversion Rate: 25.00 CFS

This is to certify, that THOMAS M O GARA FAMILY TRUST
C/O BRIAN BARSOTTI
PO BOX 370
KETCHUM ID 83340

has applied for a permit to appropriate water from:

Source: WASTE WATER

Tributary: SINKS

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	04/15 to 10/31	25.00 CFS	
WILDLIFE	04/15 to 10/31	25.00 CFS	
GROUND WATER RECHARGE	04/15 to 10/31	25.00 CFS	
WILDLIFE STORAGE	01/01 to 12/31		150.0 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: WILDLIFE, GROUND WATER RECHARGE, WILDLIFE STORAGE

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 8	X			X													
01S 19E 9				X					X				X	X	X	X	
01S 19E 10									X	X	X						
01S 19E 15					X	X											

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2010**.
2. Subject to all prior water rights.
3. 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.
4. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

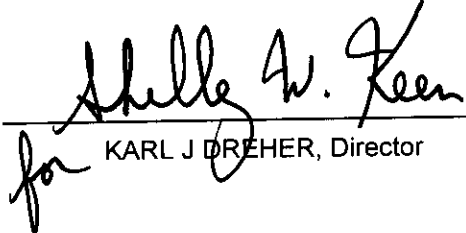
State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 37-20654

5. The right holder shall divert 81 AF of water to storage each year in accordance with Rights 37-20636, 37-20638, 37-20640, 37-20642, 37-20644, 37-20646, 37-20648, 37-20650, and 37-20652, as they were approved in Transfer 69756, to mitigate evaporative losses associated with this right. If the specified mitigation rights, or portions thereof, are not used or are not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right shall be reduced by the same proportion as the reduction to the mitigation rights.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
7. This right does not grant any right-of-way or easement across the land of another.
8. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
9. The source of water diverted under this right is waste water and is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
10. Right holder shall not divert or impound any water source, other than wastewater, under this right.
11. Rights 37-20653 and 37-20654 when combined shall not exceed a total annual maximum storage volume of 150.0 af.
12. Rights 37-20653 and 37-20654 authorize wildlife storage ponds with a total surface area not to exceed 46.4 acres. This surface area encompasses pre-existing wetland areas in the amount of 26.2 acres with no pre-existing storage capacity.
13. The use of water for ground water recharge purposes under this right does not provide a right to recover ground water for any purpose nor a credit as mitigation for diversion associated with any existing or future water right.
14. The ground water recharge portion of this right is subject to all prior water rights, including those water rights for power purposes that may otherwise be subordinated by contract entered into by the governor and Idaho Power Company on October 25, 1984, and ratified by the legislature pursuant to Section 42-203B, Idaho Code.
15. Pursuant to Section 42-4201A(3), Idaho Code, the Director may reduce the amount of water diverted for recharge purposes under this right even though there is sufficient water to supply the entire amount authorized for appropriation under this right.
16. To insure that other water rights are not injured by the operations of the recharge project authorized by this right, the director retains jurisdiction to approve, disapprove, or require alterations in the methods employed to achieve ground water recharge.
17. Water diverted under this right is wastewater from the Baseline Canal.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 28th day of December, 2006.


for KARL J. BREHER, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 37-20654

RECEIVED
JUN 23 2003

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of applicant Thomas M. O'Gara Family Trust c/o Brian Barsotti Phone (208) 726-3030
Post Office address P.O. Box 10013 Ketchum, ID 83340
2. Source of water supply Big Wood River WASTEWATER ^(TSR) which is a tributary of Malad River ^(TSR) SINKS
3. Location of point of diversion is 1/4 of SE 1/4 of NE 1/4, Govt. Lot 1
Sec. 5 Township 1S Range 19E B.M. Blaine County; additional
points of diversion, if any: None
4. Water will be used for the following purposes:
Amount 25.00 cfs for Recharge ^{6w 15.} purposes from 4/01 to 11/01 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 25.00 cfs for Wildlife purposes from 4/01 to 11/01 (both dates inclusive)
(cfs or acre-feet per annum)
^(TSR) Amount 150 AC FT for WILDLIFE STORAGE purposes from 1/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity being appropriated is (a) 25.00 cfs and/or (b) _____
cubic feet per second acre-feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Ditches and Canal Structures.
Drawing of proposed re-built diversion system is enclosed.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is groundwater with a temperature of greater than 85 degrees being sought? No
- e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____
7. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households _____;
e. Other; describe fully. Groundwater recharge and wildlife enhancement utilizing waste
flows from Basline Canal System at Baseline Road Crossing.

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1S	19E	8	E/W			E/W													-
1S	19E	9				E/W									E/W	E/W	E/W	E/W	-
1S	19E	10							E/W		E/W	E/W	E/W						-
1S	19E	16	E/W	E/W															-
1S	19E	15					E/W	E/W											

* NOTE: WILDLIFE STORAGE SAME POL

Total number of acres to be irrigated None

10. Describe any other water rights used for the same purposes as described above. Identical Application
for District 45 Canal system filed at the same time.

11. a. Who owns the property at the point of diversion? Stephen Biddle

b. Who owns the land to be irrigated or place of use? The Thomas M. O'Gara Family Trust

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: EXISTING DIVERSION UNDER CURRENT ARRANGEMENT, NOT A NEW DIVERSION. TSR

12. Remarks: Waste water from the Baseline Canal at the Baseline Road Crossing would be conveyed to on-site ponds and manmade/natural wetlands for groundwater recharge and wildlife enhancement. Mr. O'Gara (Silver Springs Ranch) is the last delivery on this leg of the Baseline Canal system. EVAPORATION LOSSES TO BE MITIGATED WITH COMPANION TRANSFERS OF APPLICABLE IRRIGATION RIGHTS. TSR

13. MAP OF PROPOSED PROJECT ATTACHED show clearly the proposed point of diversion, place of use, section number, township and range number.

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

* PER JEFF RAY
SEE 5/1/2003
FAX FROM JEFF RAY.

[Signature]
TRUSTEE (Applicant)

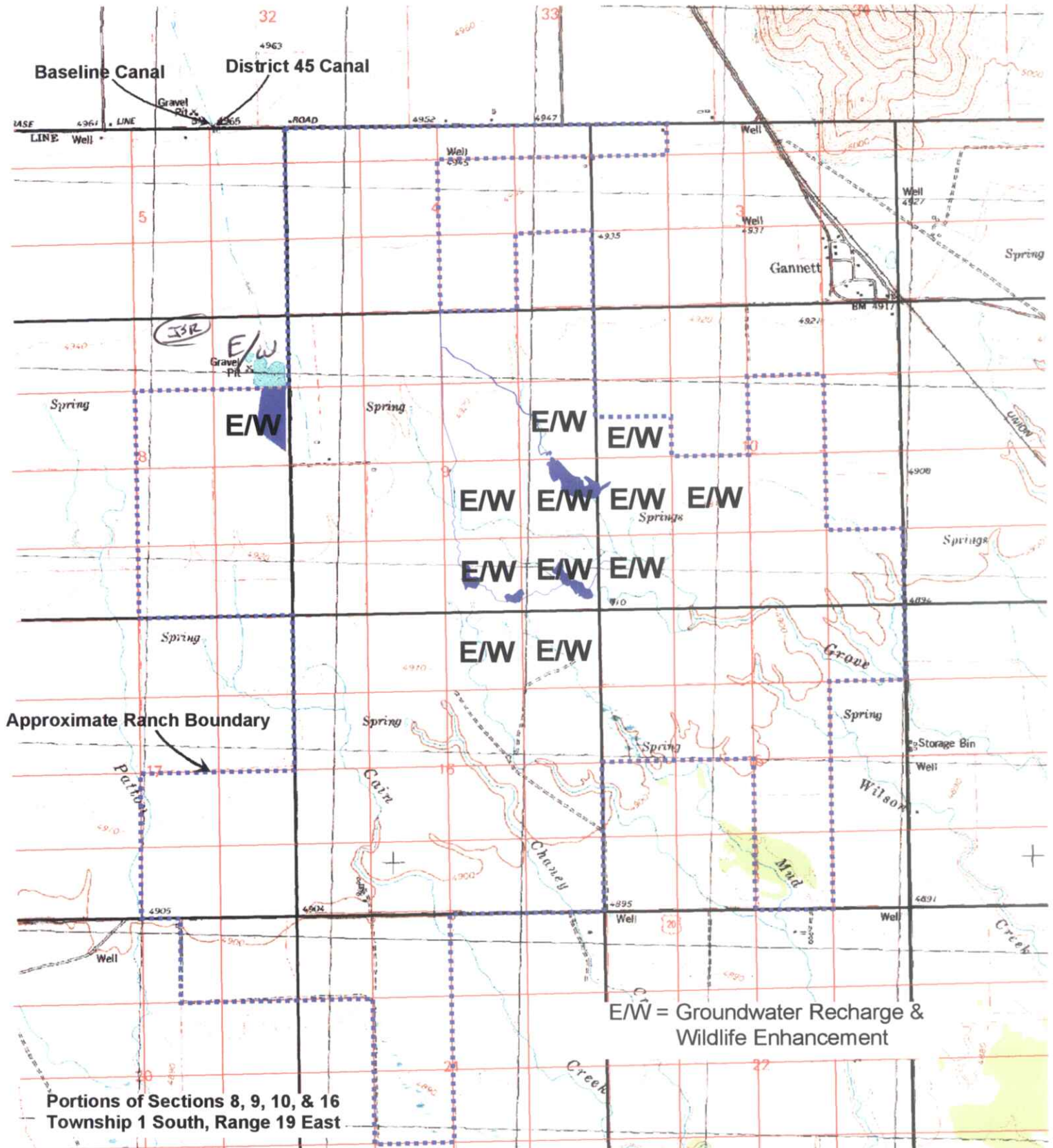
Received by P. SKINNER Date 12/22/2000 Time AM Preliminary check by P. SKINNER
Fee \$ 1110.00 Received by P. SKINNER # 5023538 Date 12/22/2000 *
Publication prepared by MB Date 4/8/02 Published in WJ, IS, LT, PR, TN
Publication approved MB Date 4/26/02 - 5/6/02

* RECEIVED A DAY LATE DUE TO COMPUTER PROBLEMS.

37-20654

SILVER SPRINGS RANC

WASTE WATER FILING - RECHARGE & WILDLIFE ENHANCEMENT

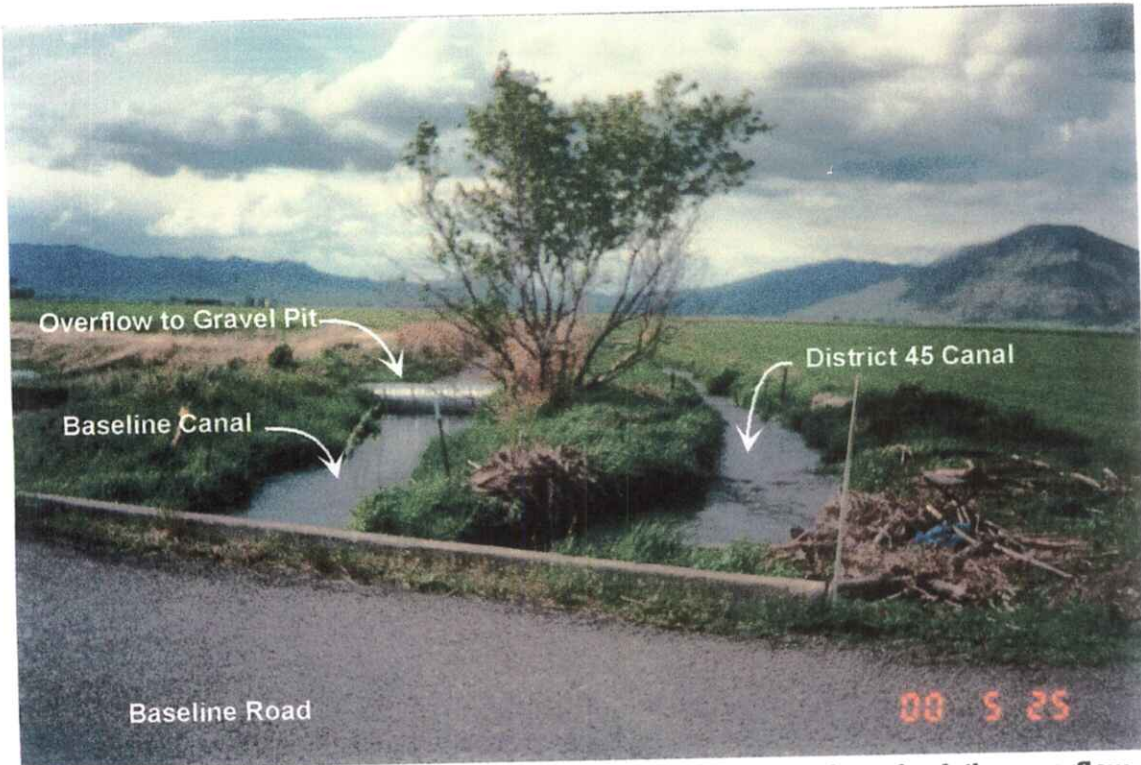


Map Source = USGS Quad Maps (Alltopo ver ID2)

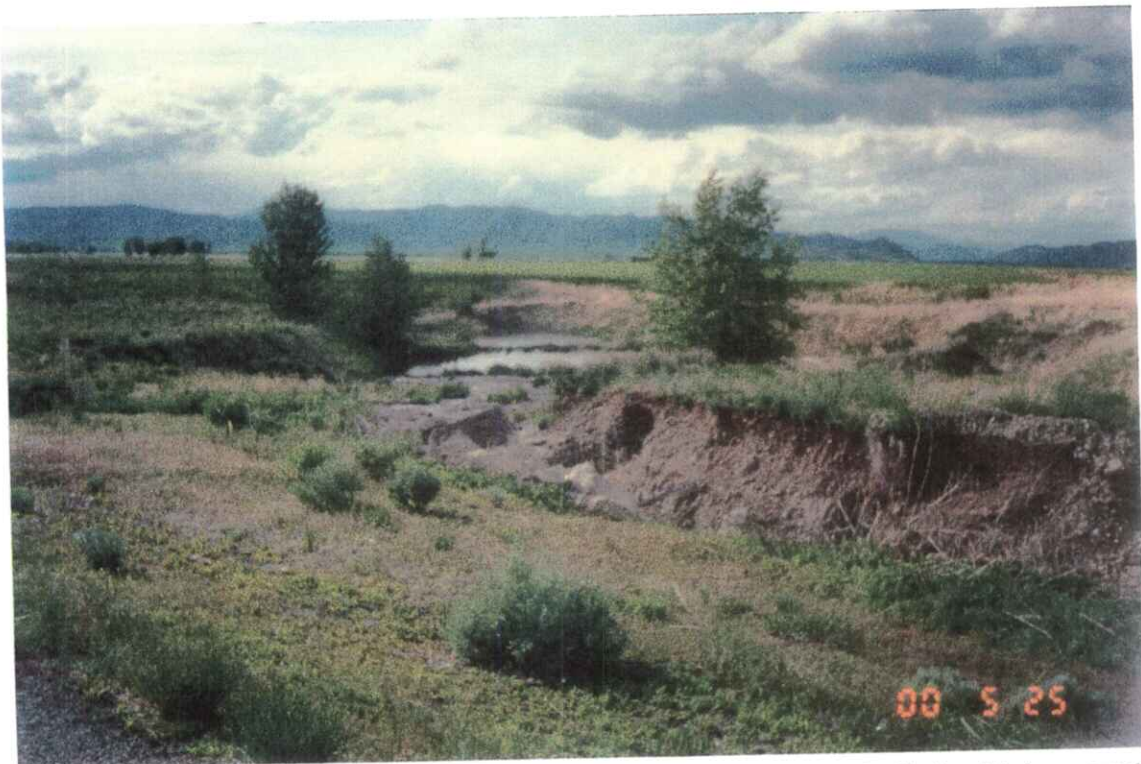
Brockway Engineering, PLLC
December 2000

37-20654

**Silver Springs Ranch
Waste Water Filing - Recharge & Wildlife Enhancement**



View looking north from Baseline Road showing parallel canals and existing overflow from District 45 canal. Both canals were running very high at the time of this photo.



View looking at the existing gravel pit area North of Baseline Road. Notice high amount of erosion in the supply channel.

Silver Springs Ranch Waste Water Filing - Recharge & Wildlife Enhancement



View looking south from Baseline Road showing confusing diversion works for the Baseline & Dist 45 canals. Both canals were running very high at the time of this photo.

Attachment A

The Thomas M. O'Gara Family Trust Waste Water Filings – District 45 and Baseline Canals

OBJECTIVE

The Thomas M. O'Gara Family Trust has submitted two applications for permit to appropriate the waters of the State of Idaho from the Big Wood River by way of the District 45 and Baseline Canal systems. The applications for permit request the right to beneficially use waste water from both canal systems for groundwater recharge and wildlife enhancement in ponds and wetland areas at the headwaters of Silver Creek.

BACKGROUND

The Silver Springs Ranch owned and operated by the Thomas M. O'Gara Family Trust receives canal water from both the District 45 Canal and the Baseline Canal systems. The two canal systems run parallel to each other north of Baseline road approximately ¼ mile West of the ranch property. At the Baseline road crossing, water is diverted from the District 45 canal to Don Nisson (1.38 cfs), Stephen Biddle (5.10cfs), and Tom O'Gara (1.69 cfs). Water in the baseline canal is diverted to Tom O'Gara (11.60 cfs) who is the end user on this leg of the Baseline Canal. The existing arrangement of the parallel canals at the road crossing is very confusing and is difficult to regulate. The Baseline Road crossing is the end of the canal leg for each canal system and both canals experience large fluctuations in flow rates. Waste water from the District 45 canal has historically been diverted into an overflow CMP squash pipe to an abandoned gravel pit located north of Baseline Road. Waste water from the Baseline canal has historically overflowed the diversion works south of Baseline Road and flooded a portion of the Biddle property.

The existing gravel pit overflow system is un-regulated and does not provide the wetland habitat that land on the Silver Springs Ranch can provide. Under the proposed permit, the existing overflow system to the gravel pit would be abandoned and removed.

PERMIT INTENT

The applicant wishes to appropriate the waste water from both the District 45 canal and the Baseline canal and beneficially use the waste water in natural and man made wetlands for groundwater recharge and wildlife enhancement. The wetlands are comprised of man-made ponds and regulated wetland areas created by channeling the canal water to lowland areas impounded by low earthen dams. The waste water from the canal systems will create wetland areas which will support wetland plants and wildlife. The earthen berms utilized in creating the wetland areas will not contain overflow outlets and will not allow direct flow of canal water into the Silver Creek System. Water in the wetland areas will percolate into the regional aquifer and will provide groundwater recharge for the headwaters of the Silver Creek Drainage.

To allow for better management of the canal water at the Baseline Road crossing, the applicant wishes to reconstruct the diversion works. The proposed diversion works would include a new 12" canal gate supplying District 45 canal water to the Nisson ditch along the north side of Baseline Road. Immediately downstream of the diversion to the Nisson ditch, two 5' wide weirs would combine the District 45 and Baseline canal systems. The combined flow would be contained within a new concrete canal section with adjustable Cipolletti weirs to the Biddle irrigation pond and Silver Springs Ranch. The adjustable Cipolletti weirs would allow for more accurate measurement of the canal water at this location while allowing easier control. The weirs and operating level of the canal section would be set to allow surges of waste water to be diverted to Silver Springs Ranch for use in the wetland & recharge areas.

Under the proposed applications for permit, the applicant wishes to only use waste water flows when excess remains in either ditch at the Baseline Crossing location. The maximum predicted flow available at the Baseline Road crossing due to wastewater is 25.00 cfs from either canal system which is the basis of the permit request.

Several pictures showing the existing diversion system and existing overflow to the gravel pit are included on the following pages.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: THOMAS M O GARA FAMILY TRUST
C/O BRIAN BARSOTTI
PO BOX 10013
KETCHUM ID 83340
(208)726-3030

2. Source: WASTE WATER Tributary to: SINKS

3. Location of Point of Diversion:

#1 WASTE WATER
BLAINE County

L1 SE1/4NE1/4

Sec. 5, Twp 01S, Rge 19E, B.M.

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
GROUND WATER RECHARGE	04/01 to 11/01	25.00 CFS	
WILDLIFE	04/01 to 11/01	25.00 CFS	
WILDLIFE STORAGE	01/01 to 12/31		150.0 AF
		25.00 CFS	150.0 AF

5. Total quantity to be appropriated is:

6. Proposed diverting works:

POINT OF DIVERSION #1

- a. Type and size of devices used to divert water from the source: DITCHES AND CANAL
STRUCTURE

- b. Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;

- c. Proposed well diameter is _____ inches;
Proposed depth of well is _____ feet.

- d. Is ground water with a temperature of greater than 85F being sought?

- e. If well is already drilled, when? _____;
Drilling Firm _____;
Drilling Permit No. _____.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 3 year(s).

- 8.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

PLACE OF USE: GROUND WATER RECHARGE

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 8	X			X													
01S 19E 9				X									X	X	X	X	
01S 19E 10							X		X	X	X						
01S 19E 16	X	X															

PLACE OF USE: WILDLIFE

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 8	X			X													
01S 19E 9				X									X	X	X	X	
01S 19E 10							X		X	X	X						
01S 19E 16	X	X															

PLACE OF USE: WILDLIFE STORAGE

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 8	X			X													
01S 19E 9				X									X	X	X	X	
01S 19E 10							X		X	X	X						
01S 19E 16	X	X															

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

Point of Diversion #1: STEPHEN BIDDLE - Existing diversion under current arrangement. Not a new diversion.

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

Waste water from the Baseline Canal at the Baseline Road Crossing would be conveyed to on-site ponds and manmade /natural wetlands for groundwater recharge and wildlife enhancement. Mr. O Gara (Silver Springs Ranch) is the last delivery on this leg of the Baseline Canal system. Evaporation losses to be mitigated with companion transfers of applicable irrigation rights.

11. Map of proposed point of diversion and place of use attached? ☐

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

Receipt No. S023538

Date: _____

Receipted by: _____

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

January 3, 2007

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

RE: Permit No. 37-20654

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

for 

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

cc: BROCKWAY ENGINEERING

CERTIFICATE OF SERVICE

I hereby certify that on January 2, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 37-20654

**BROCKWAY ENGINEERING
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301**

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

A handwritten signature in cursive script, reading "Darla Block", is written over a horizontal line.

**Darla Block
Technical Records Specialist**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 16, 2003

THOMAS M O GARA FAMILY TRUST
C/O BRIAN BARSOTTI
PO BOX 10013
KETCHUM ID 83340

Re: Application for Permits 37-20653 and 37-20654 - Application for Transfer No. 69756

Dear Applicant:

The Department of Water Resources is currently reviewing your applications referenced above. Your applications propose diversion of wastewater near Bellevue for ground water recharge and wildlife use in ponds and wetlands. After review of the applications, some concerns were identified regarding your proposed uses of water.

For new appropriations of water, Section 42-203A(5), *Idaho Code* requires:

... The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications whether protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest as defined in section 42-202B, *Idaho Code*, or (f) that it is contrary to conservation of water resources within the state of Idaho, or (g) that it will adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, ...; the director of the department of water resources may reject such application and refuse issuance of a permit therefore, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

For transfers, Section 42-222(1), *Idaho Code* requires:

... The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest..., and the new use is a beneficial use, ...

The proposal to appropriate water for ground water recharge purposes is a concern because it appears that the source of water is already naturally recharging ground water and ground water appropriators are likely relying, in part, on that recharge. If the ground water recharge purposes were approved under these circumstances, any future development by the applicant that would rely on the recharge as mitigation would result in injury to other appropriators. Without further clarification of the use, including resolution of any injury concerns, the Department will not approve the ground water recharge use associated with these applications.

The wildlife use proposed may be approvable; however, additional justification for the quantity proposed will be necessary before the Department continues processing these applications. Quantity should be justified based on actual need rather than just the availability of flow. Without sufficient justification of the quantity, the Department will subordinate the use to future development for other purposes that are not subordinated.

The Department will hold further processing of these applications for 30 days to allow submittal of the required information in support of your applications. Additional time may be granted by the Department upon receipt of a written request and sufficient justification for an extension. After that time, if we do not receive a response from you regarding the applications, the Department will process the applications as noted above.

If you have questions, please feel free to contact the department.

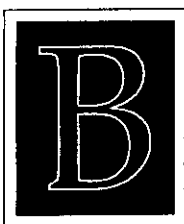
Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Peppersack", written over the word "Sincerely,".

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

cc: Jeffrey S. Rau, P.E., Brockway Engineering



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Hydraulics

Hydrology

Water Resources

May 7, 2003

Idaho Department of Water Resources
Attn: Mr. Corey Skinner
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RECEIVED
MAY - 7 2003
Department of Water Resources
Southern District

Re: Thomas M. O'Gara Family Trust Permit Applications
Baseline Canal Company Letter

Dear Corey:

Attached is a copy of the letter received from the Baseline Canal Company regarding the wastewater permit application from the Baseline Canal. The letter summarizes their concerns and "denies" the application. It is my understanding that the canal company has a right for public comment, but does not have the right to deny the application.

We have reviewed the concerns by Baseline Canal and have spoken to Rocky and Bill Sherbine on numerous occasions concerning these issues. We have indicated to Baseline Canal Company members on numerous occasions that the permit is strictly for wastewater which occurs on the tail end of the Baseline Canal at Tom's headgate and that having the permit does not allow Tom or any successor to make a call against wastewater. Also, having this permit would not allow Tom to request wastewater from other portions of the Baseline Canal and utilize it on his ranch in the wildlife and recharge ponds.

We are submitting this letter as additional public comment received since submitting the other public comment letters in April. Please review this letter and contact me to discuss this matter. Thank you and have a great day.

Sincerely,

Jeffrey S. Rau, P.E.

Attachment: April 30, 2003 Letter – Baseline Canal Company

Cc: Tom O'Gara (Applicant)
Norm Semanko
Guy Bonnevier

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

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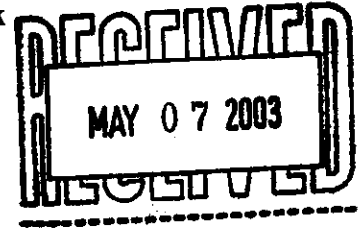
TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

BASELINE CANAL COMPANY

President: Rocky Sherbine
Directors: Harold Drussell and John Molyneux
Secretary/Treasurer: Cathy Zaccardi
P.O. Box 743
Hailey ID 83333



April 30, 2003

Mr. Jeffrey S. Rau, P.E.
Brockway Engineering P.L.L.C.
2016 Waskington Street, Suite 4
Twin Falls ID 83301

Re: Silver Springs Ranch Groundwater Recharge & Wildlife Enhancement Project

Dear Mr. Rau,

Please be advised that at its Annual Meeting held on 24 April 2003, the above referenced matter was presented to the members of the Baseline Canal Association. Members voiced their concerns pertaining to the request of Mr. Tom O'Gara to file on and use the wastewater from Baseline Canal for wildlife enhancement and groundwater recharge on the Silver Springs Ranch.

Thereafter, it was voted unanimously that the Baseline Canal Association denies the Application Permit in the name of Thomas M. O'Gara Family Trust to utilize wastewater at the end of the Baseline Canal for the purpose of groundwater recharge and wildlife enhancement on Silver Springs Ranch. The reason the members of the Association denied this request is because they feel that there is no "wastewater", and that everyone uses their water. Any "surplus" or "wastewater" is shared by the members of the Association, and by virtue of the filing of this Application, the members would not be entitled to the shared use of said water.

Should you have any questions concerning this matter, please feel free to contact me.

Sincerely,

BASELINE WATER ASSOCIATION

Rocky Sherbine

By: Rocky Sherbine, President

RS:zac



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MAY - 1 2003
Department of Water Resources
Southern District

Fax Transmittal

(208) 736-8543
Fax (208) 736-8506

2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301

To: Corey Skinner - IDWR	Fax Number: 736-3037
From: Jeff Rau	# pages (incl. cover): 1
Cc:	Date: 5/1/03
Re: O'Gara - Trans # 69756, Permit Apps 37-20654 & 37-20653	

☐ Urgent

☐ For Review

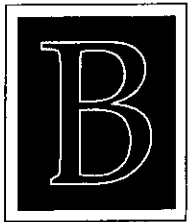
☐ Please Comment

☐ Please Reply

Comments:

Corey - This fax will confirm our conversation earlier today concerning the above mentioned transfer and permit applications. Please amend the above mentioned permits and applications to reflect the following place of use (POU) addition. Please add the North 1/2 of the NW 1/4 quarter of Section 15, Township 1 South, Range 19 East as a POU for wildlife enhancement and groundwater recharge. This change reflects the use of the West Grove Marsh as shown on the aerial photo map on file with IDWR. Thank you for your continued work on these applications and contact me if you need further information of have additional questions. Thank you and have a great day.

Jeff Rau



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Hydraulics

Hydrology

Water Resources

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APR 24 2003

Department of Water Resources
Southern Region

April 24, 2003

Corey Skinner, P.E.
Attn: Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Thomas M. O'Gara Family Trust Applications
Public Comment Information – Permit Applications

Dear Mr. Skinner:

As requested, following is information which should complete the requirements outlined in your letter dated March 28, 2002 requesting additional information on the Thomas M. O'Gara Family Trust Applications. Since the applications for permit request diversion rates in excess of 5 cfs, we have submitted the following information pursuant to Rule 40.05 of the Department's Water Appropriation Rules (IDAPA 37 Title 03 Chapter 08). As outlined in Section g of these rules, "The applicant shall seek comment and shall submit all letter of comment on the effects of the construction and operation of the proposed project" (IDAPA 37, Title 03, Chapter 08, Rule 40.05 Section g).

As required by this section, Brockway Engineering has solicited public comment from the following entities:

District 45 Canal Company
Baseline Canal Company
Blaine County Planning & Zoning
Idaho Division of Environmental Quality
Idaho Department of Fish and Game

CHARLES E.
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PH.D., P.E.

CHARLES G.
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The letters were sent out on July 15, 2002 and included a full copy of the permit applications along with a narrative explaining the permit intent(s) and requesting public comment within a 30 day period.

Blaine County verbally requested and was allowed an extension of the 30 day comment period to allow a formal presentation of the project by Brockway Engineering before the Planning and Zoning Commissioners. This presentation was made on October 7, 2002 and was well received by the commission. On October 31, 2002 Blaine County Issued a letter endorsing the permit applications and the proposed project. A copy of the support letter is included with this letter.

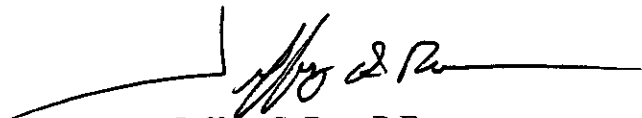
Idaho Fish and Game responded soon after the July 15 letter and requested an extension of comment period and also requested a tour of the project and delivery system. On August 13, 2002 Mike McDonald and Cindy Robertson of IDFG were given a site tour and allowed to ask questions concerning the system and permit applications. A comment letter addressing the IDFG concerns was mailed on August 16, 2002 and is included with this submittal.

After receiving the original letter, Bill Allred of Idaho Division of Environmental Quality (IDEQ) contacted our office concerning the permits and a potential to change some wording in the document to remove recharge aspect of the permit. If the project was categorized as a "recharge" project, IDEQ would require a monitoring plan to monitor water quality. Since removing the term recharge from the permit application was not acceptable, we have worked with IDEQ to propose a water quality monitoring plan. A copy of the monitoring plan proposal dated February 2, 2003 is included with this letter submittal. On March 24, 2003, IDEQ responded with the letter included with this submittal which accepts the proposed monitoring plan.

Both District 45 Canal and Baseline Canal Companies were sent the original letter as shown in the submittal documents. We have contacted board members on both canal companies numerous times via phone and have not received anything in writing from either entity. Based on verbal conversations with members of both companies, they do not feel that a water right and/or permit is required for Mr. O'Gara to utilize the wastewater in the manner proposed in the permit applications. Despite repeated attempts for feedback on these permits, Brockway Engineering and our client has not received any information from either canal company.

The information submitted with this letter should fully complete the requirements for the further processing of the two permit applications. Please review the information included in this letter and contact me if you have any questions or comments. Thank you and have a great day.

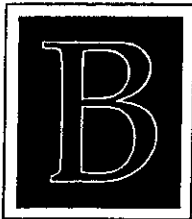
Sincerely,



Jeffrey S. Rau, P.E.

Attachment: Agency Comment Letter(s)
Letter from Blaine County – Dated October 31, 2002
Letter from Fish and Game – Dated August 16, 2002
Letter from IDEQ – Dated August 24, 2003
Letter to IDEQ – Dated February 7, 2003 (Monitoring Plan)

Cc: Guy Bonnevier



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Water Resources

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APR 24 2003

Department of Water Resources
Southern Region

July 15, 2002

Blaine County Planning & Zoning
Attn: Linda Haavik
206 1st Avenue South, Suite 310
Hailey, ID 83333

Re: Silver Springs Ranch Groundwater Recharge & Wildlife Enhancement
Project – Public Interest Comment Request

Dear Ms. Haavik:

I am writing to you on behalf of our client Mr. Tom O’Gara who owns and operates the Silver Springs Ranch located in the Silver Creek Watershed of Blaine County. Mr. O’Gara has undertaken an aggressive plan of groundwater recharge and wildlife habitat enhancement within the confines of the Silver Springs Ranch.

As part of this project, Mr. O’Gara has submitted water right permit applications to the Idaho Department of Water Resources (IDWR) to allow the use of excess water in the Baseline and District 45 canal systems for wildlife enhancement and groundwater recharge to the Silver Creek Aquifer. The source of the excess water is flood water during spring runoff and unused water in the ditch systems when upstream canal users shut down their irrigation systems.

Mr. O’Gara’s ranch is located at the end point of the Baseline Canal and at the end of one of the District 45 canal laterals. As such, Mr. O’Gara has opportunity to utilize the excess water and allow the water to flow into recharge ponds and wildlife marshes directly upstream of the headwaters of several streams which feed Silver Creek. The general design and layout of the system is as described in the following paragraphs.

Currently, the Baseline Canal and one leg of the District 45 canal terminate at Baseline Road and enter the Silver Springs Ranch. These canals combine and are conveyed via ditches and canals into a settling pond and/or into ditch systems to the irrigation system and recharge and wildlife habitat enhancement areas. The recharge and wildlife enhancement areas are a combination of ponds, historical gravel pits, and marshes created with low height embankments. The system is controlled via adjustable weir boxes and control gates.

The system has been designed to handle all of the potential excess water flows into the system without surface discharging of any water directly into the

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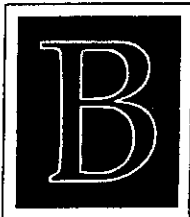
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Water Resources

July 15, 2002

District 45 Canal Company
Attn: Robert Struthers
388 Gannett Road
Bellevue, ID 83313

Re: Silver Springs Ranch Groundwater Recharge & Wildlife Enhancement
Project – Public Interest Comment Request

Dear Mr. Struthers:

I am writing to you on behalf of our client Mr. Tom O’Gara who owns and operates the Silver Springs Ranch located in the Silver Creek Watershed of Blaine County. Mr. O’Gara has undertaken an aggressive plan of groundwater recharge and wildlife habitat enhancement within the confines of the Silver Springs Ranch.

As part of this project, Mr. O’Gara has submitted water right permit applications to the Idaho Department of Water Resources (IDWR) to allow the use of excess water in the Baseline and District 45 canal systems for wildlife enhancement and groundwater recharge to the Silver Creek Aquifer. The source of the excess water is flood water during spring runoff and unused water in the ditch systems when upstream canal users shut down their irrigation systems.

Mr. O’Gara’s ranch is located at the end point of the Baseline Canal and at the end of one of the District 45 canal laterals. As such, Mr. O’Gara has opportunity to utilize the excess water and allow the water to flow into recharge ponds and wildlife marshes directly upstream of the headwaters of several streams which feed Silver Creek. The general design and layout of the system is as described in the following paragraphs.

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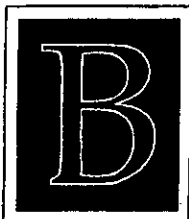
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Water Resources

July 15, 2002

Baseline Canal Company
Attn: Bill Sherbine
153 Baseline Road
Bellevue, ID 83313

Re: Silver Springs Ranch Groundwater Recharge & Wildlife Enhancement
Project – Public Interest Comment Request

Dear Mr. Sherbine:

I am writing to you on behalf of our client Mr. Tom O’Gara who owns and operates the Silver Springs Ranch located in the Silver Creek Watershed of Blaine County. Mr. O’Gara has undertaken an aggressive plan of groundwater recharge and wildlife habitat enhancement within the confines of the Silver Springs Ranch.

As part of this project, Mr. O’Gara has submitted water right permit applications to the Idaho Department of Water Resources (IDWR) to allow the use of excess water in the Baseline and District 45 canal systems for wildlife enhancement and groundwater recharge to the Silver Creek Aquifer. The source of the excess water is flood water during spring runoff and unused water in the ditch systems when upstream canal users shut down their irrigation systems.

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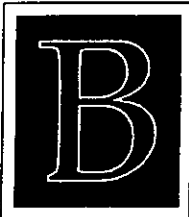
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Water Resources

July 15, 2002

Idaho Division of Environmental Quality
Attn: Doug Howard
601 Pole Line Road
Twin Falls, ID 83301

Re: Silver Springs Ranch Groundwater Recharge & Wildlife Enhancement
Project – Public Interest Comment Request

Dear Mr. Howard:

I am writing to you on behalf of our client Mr. Tom O’Gara who owns and operates the Silver Springs Ranch located in the Silver Creek Watershed of Blaine County. Mr. O’Gara has undertaken an aggressive plan of groundwater recharge and wildlife habitat enhancement within the confines of the Silver Springs Ranch.

As part of this project, Mr. O’Gara has submitted water right permit applications to the Idaho Department of Water Resources (IDWR) to allow the use of excess water in the Baseline and District 45 canal systems for wildlife enhancement and groundwater recharge to the Silver Creek Aquifer. The source of the excess water is flood water during spring runoff and unused water in the ditch systems when upstream canal users shut down their irrigation systems.

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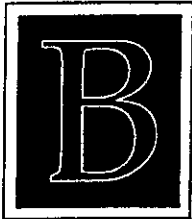
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Water Resources

July 15, 2002

Idaho Department of Fish & Game
Attn: David Parish
P.O. Box 428
Jerome, ID 83338-0428

Re: Silver Springs Ranch Groundwater Recharge & Wildlife Enhancement
Project – Public Interest Comment Request

Dear Mr. Parish:

I am writing to you on behalf of our client Mr. Tom O’Gara who owns and operates the Silver Springs Ranch located in the Silver Creek Watershed of Blaine County. Mr. O’Gara has undertaken an aggressive plan of groundwater recharge and wildlife habitat enhancement within the confines of the Silver Springs Ranch.

As part of this project, Mr. O’Gara has submitted water right permit applications to the Idaho Department of Water Resources (IDWR) to allow the use of excess water in the Baseline and District 45 canal systems for wildlife enhancement and groundwater recharge to the Silver Creek Aquifer. The source of the excess water is flood water during spring runoff and unused water in the ditch systems when upstream canal users shut down their irrigation systems.

Mr. O’Gara’s ranch is located at the end point of the Baseline Canal and at the end of one of the District 45 canal laterals. As such, Mr. O’Gara has opportunity to utilize the excess water and allow the water to flow into recharge ponds and wildlife marshes directly upstream of the headwaters of several streams which feed Silver Creek. The general design and layout of the system is as described in the following paragraphs.

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Silver Creek system. All of the recharge locations and marshes are up gradient of headwater streams to the Silver Creek system including Grove Creek, Chaney Creek, Mud Creek, and Cain Creek. Water which enters the recharge system will positively enhance the Silver Creek system with increased flows during recharge periods. The proposed plan calls for a series of ponds and marshes to support wildlife and native plant species.

As part of the plan for this system, wastewater permit applications were submitted to IDWR to utilize up to 25 cfs from each canal system in the project. The wastewater permit would not require either of the canal systems to provide water under these permits, but would allow the canal systems a location to dispose of excess water during high flow events in the spring and cooler periods when irrigation systems are shut down. Since the system will be prepared to accept wastewater at any time, the canal systems benefit from not having to worry about handling wastewater on these portions of the canals or reducing canal flows for short periods of time.

Since the permit applications request a diversion rate in excess of 5 cfs, the applicant is required under the Water Appropriation Rules #40.05 Section G to see public comment on the proposed water appropriation and if such a request is in conflict with the local public interest. This letter is a formal request to your agency for comment on the proposed permit applications. Copies of these applications are included with this letter request.

It is our belief that the proposed permit applications are well within the public's best interest. The Silver Creek Watershed has experienced continuing depletion of the resource as evidenced by decreasing groundwater levels, decreased artesian well flows, and decreased flows in Silver Creek. As such, all of these factors constitute a threat against the water resource in this area and further downstream into the Little Wood River basin. This project and the recharge of the excess flow water into the aquifer will directly impact the Silver Creek basin in a positive manner with anticipated increased flows from the recharged water. Since the proposed plan calls for 100% of the excess flow to enter the aquifer system via recharge, there is little chance for mixing surface water with Silver Creek water.

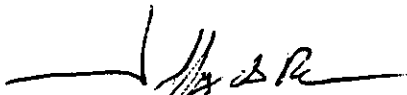
The increased water surface areas created by the ponds, marshes, and ditches will cause a slight increase in the consumptive use of the excess flow water which has historically overflowed the ditch system or been used in a gravel pit north of Baseline Road. This increase in consumptive use has been mitigated by drying up a total of 32.4 acres on the Silver Springs Ranch under Transfer #69756. Portions of the water rights appurtenant to the Silver Springs Ranch have been converted to wildlife enhancement and recharge with the associated

acres under these rights dried up to assure that there is no net increase in consumptive use of the excess flow water in the new system.

It is the wish of our client to create an area rich with wildlife and native plant species while benefiting the Silver Creek Aquifer with recharge of excess surface water. Please review the enclosed permit applications and if you wish to provide comments on this plan, please respond within 30 days. Responses to this plan will be submitted to IDWR to comply with Section 40.05 of the Idaho Department's Water Appropriation Rules (IDAPA 37 Title 03 Chapter 08).

Please review the enclosed permit applications and the information provided in this letter. If you have any questions or have difficulty understanding portions of the proposed plan, please don't hesitate to contact our office. I would be happy to take time to meet with your agency personally or discuss this project over the phone to help answer any questions. If you would like to provide comments on this plan, please respond to our office within 30 days and we will forward these comments to IDWR with the remainder of our submittal documents. Thank you and have a great day.

Sincerely,



Jeffrey S. Rau, P.E.

Attachment: Water Permit Applications – Silver Springs Ranch
Mitigation Transfer Documents

Cc: Mr. Tom O'Gara

THE BOARD OF BLAINE COUNTY COMMISSIONERS

206 FIRST AVENUE SOUTH, SUITE 300

HAILEY, IDAHO 83333

PHONE: (208) 788-5500 * FAX: (208) 788-5576

www.co.blaine.id.us

Mary Ann Mix, Chairman

*

Dennis Wright, Commissioner

*

Sarah Michael, Commissioner

October 31, 2002

RECEIVED

APR 24 2003

Department of Water Resources
Southern Region

Jeffrey S. Rau, P.E.
Brockway Engineering, PLLC
2016 North Washington Street, Suite 4
Twin Falls, ID 83301

Re: Silver Springs Ranch Recharge Project
Blaine County, Idaho

Dear Jeff:

The Blaine County Board of Commissioners join me in expressing our sincere appreciation to you, Guy Bonnivier, and Chuck Brockway for presenting the proposed Silver Springs Ranch Recharge and Wildlife Enhancement Project on October 7, 2002.

The Board is very supportive of the project that is being proposed to use "waste" irrigation water to recharge the aquifer in that area. Blaine County would be interested in additional recharge projects provided they do not injure senior water rights owners. We discussed the possibility of including recharge projects in new subdivision proposals. We would request that the basic GIS data generated by this project be provided to the County to be incorporated into the County's GIS system.

Sincerely,



Mary Ann Mix, Chairman
Blaine County Board of Commissioners

C: Guy Bonnivier,
Tom O'Gara
Idaho Department of Water Resources
Blaine County Planning Office



IDAHO FISH & GAME

MAGIC VALLEY REGION

868 East Main Street

P.O. Box 428

Jerome, Idaho 83338-0428

August 16, 2002

Dirk Kempthorne/Governor
Steven M. Huffaker/Director

Jeffrey S. Rau, P.E.
Brockway Engineering
2016 North Washington Street
Suite 4
Twin Falls, ID 83301

RECEIVED

APR 24 2003

Department of Water Resources
Southern Region

Dear Jeff,

Thanks for taking the time to provide a tour of the Silver Springs Ranch Groundwater Recharge and Wildlife Enhancement project. The Idaho Department of Fish and Game has reviewed the proposal and we are generally supportive of the projects intended goal of using "waste" water from the Baseline and District 45 canal systems to facilitate aquifer recharge and enhance wildlife habitat in the Silver Creek Watershed.

The Department has identified two issues related to the proposal. First, is the timing of water delivery and its potential impact on waterfowl and shorebird reproductive efforts. Nest initiation and incubation in May and June could be disrupted by rising water levels in May. Second, are concerns regarding the management practices that make water available for this project. The failure of canal companies and irrigation districts to actively manage water based on valid water rights exacerbates continued impacts on the Big Wood River Watershed including floodplain development, irrigation diversion, livestock grazing, and other human-induced activities. We recognize addressing water management practices are beyond the scope of this project however, the Department is concerned with the potential ramifications and precedent this may set. Specifically, natural resource benefits for Silver Creek and its tributaries are garnered at the continued detriment to the Big Wood River Watershed.

Thank you for the opportunity to provide comment. If you have further questions please contact Mike McDonald, Environmental Staff Biologist, at this office.

Sincerely,

David Parrish

Magic Valley Regional Supervisor

Cc: IDWR (A. Merritt)
Blaine County (L. Haavik)
IDFG (NRPB)
ECc: IDFG (Region 4 staff)



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

601 Pole Line Road, Suite 2 • Twin Falls, Idaho 83301-3035 • (208) 736-2190

Dirk Kempthorne, Governor
C. Stephen Allred, Director

April 24, 2003

HAND DELIVERED

RECEIVED

APR 24 2003

Department of Water Resources
Southern Region

Jeff Rau
Brockway Engineering
2016 North Washington, Ste. 4
Twin Falls, ID 83301

Re: Silver Springs Ranch Groundwater Recharge and Wildlife Enhancement Project –
Monitoring Plan

Dear Mr. Rau:

I have reviewed the proposed monitoring plan for the Silver Springs Ranch Groundwater Recharge and Wildlife Enhancement Project located in Blaine County. As proposed I feel the plan is protective of the groundwater resources in the recharge area and is approved for implementation.

If the monitoring results indicates elevated levels of the listed parameters or indicates an increasing trend in the listed parameters the Department of Environmental Quality will request that the monitoring plan and recharge activities be adjusted to be protective of the groundwater resources in the recharge area.

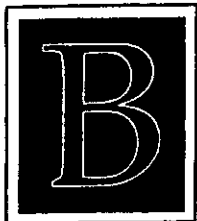
If you have any questions please feel free to contact me at (208) 736-2190.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Allred", is written over the typed name.

Bill Allred
Regional Manager Remediation and Air Quality

BA/ab



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ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

February 7, 2003

Idaho Division of Environmental Quality
Attn: Doug Howard
601 Pole Line Road
Twin Falls, ID 83301

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APR 24 2003

Department of Water Resources
Sawtooth Region

Re: Silver Springs Ranch Groundwater Recharge & Wildlife Enhancement
Project - Proposed Monitoring Plan

Dear Mr. Howard:

In July 2002, your office received a packet of information concerning the proposed Silver Springs Ranch Groundwater Recharge & Wildlife Enhancement Project (Project) in Blaine County Idaho. As you are aware, our client has petitioned Idaho Department of Water Resources for permits to allow them to utilize excess water in the tail end of the District 45 and Baseline Canal systems for recharge and wildlife enhancement. As part of the permitting process, we have requested input from your agency concerning the permit application.

We have met with representatives from your office and it is our understanding that your agency does not have a problem with the project as proposed. Since a portion of the project entails proposed "recharge" of excess water into the Silver Creek Aquifer, IDEQ has indicated that they would require a monitoring plan to track water quality effects of the proposed activities.

The proposed project entails wetland areas to allow recharge of excess water into the shallow Silver Creek Aquifer. The aquifer is the source of many spring headwaters located on the ranch. Water which seeps into the aquifer in these areas surfaces quickly to feed the many springs in the area. As discussed with your personnel, if approved, we have proposed to initiate a water quality monitoring program for the system to observe water quality upstream and downstream of the project in the surface water sources.

The following water quality monitoring program is proposed by our client:

- 1) The main supply of water to the wetland areas is surface water from the Big Wood River supplied via the Baseline and District 45 Canals. The canals combine on the ranch and pass through a sediment retention basin prior to entering the recharge and wildlife enhancement areas. We propose collecting "inflow" water quality samples twice yearly in May and July during the main "excess" flow periods. Water quality samples would be collected downstream of the sediment retention basin which is upstream of the recharge and wildlife enhancement areas. Samples would be grab samples and would be tested at a laboratory for the following suite of parameters:

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
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**Total Phosphorus, Ammonia-Nitrogen, COD, Chloride,
Nitrate-Nitrogen, Sulfate, pH, Conductivity, TDS**

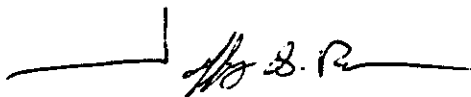
- 2) Two main "creek" systems have headwaters which will be directly impacted by the recharge activities in the system. These creeks are Grove Creek and Mud Creek as shown on the attached map. As proposed in our monitoring plan, water quality samples will be collected at the locations shown on the map in these creeks during the same May and July dates used to collect the samples described in #1. These samples will be sent to a laboratory and analyzed for the same suite of parameters listed in #1 above.
- 3) Once the results of the laboratory samples have been compiled after the July testing, a brief letter report with the lab analysis reports will be prepared for your office to review. The report will include a brief summary of the operation of the system during that season and any issues which need to be addressed or evaluated. Testing and reporting would be done only during years when recharge activities occur in the project. Since it is anticipated that some form of excess water will be available during all years, sampling and reporting will likely occur every year.

The proposed sampling sites are easily accessible via roads within the ranch. If required, IDEQ will be provided access to the sampling locations to collect duplicate samples to verify the results of the sampling program.

The proposed monitoring plan will be a significant improvement over current practice since the excess water has historically been recharged into gravel pits and spilled into adjacent fields, without any monitoring of the effects of these actions. Please review the proposed monitoring plan and provide comment and/or approval of the proposed plan. It is our understanding that any permit approval by IDWR would reference an agreed upon monitoring plan set forth by IDEQ.

Thank you for your continued review of this project. Please review the proposed monitoring plan and attached map showing the proposed sampling locations. Thank you.

Sincerely,



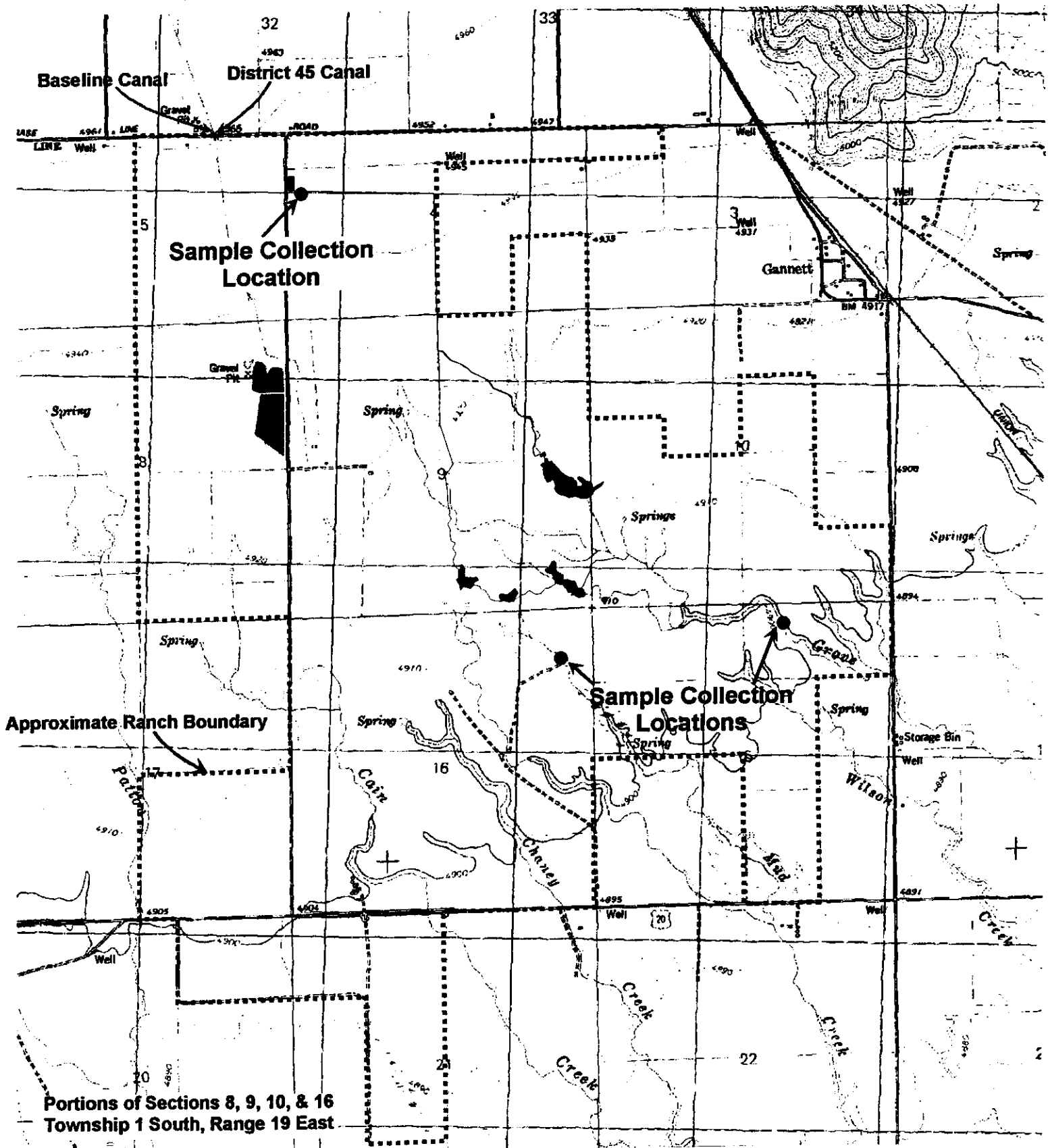
Jeffrey S. Rau, P.E.

Attachment: Sample Collection Location Plan

Cc: Guy Bonnevier

SILVER SPRINGS RANCH

WASTE WATER FILING - RECHARGE & WILDLIFE ENHANCEMENT



Portions of Sections 8, 9, 10, & 16
Township 1 South, Range 19 East

Map Source = USGS Quad Maps (Alltopo ver ID2)

Brockway Engineering, PLLC

RECEIVED

APR 24 2003

Department of Water Resources
Southern Region

THE BOARD OF BLAINE COUNTY COMMISSIONERS
206 FIRST AVENUE SOUTH, SUITE 300
HAILEY, IDAHO 83333
PHONE: (208) 788-5500 * FAX: (208) 788-5576
www.co.blaine.id.us

Mary Ann Mix, Chairman

*

Dennis Wright, Commissioner

*

Sarah Michael, Commissioner

October 31, 2002

Jeffrey S. Rau, P.E.
Brockway Engineering, PLLC
2016 North Washington Street, Suite 4
Twin Falls, ID 83301

RECEIVED
NOV 01 2002
Department of Water Resources
Southern Region

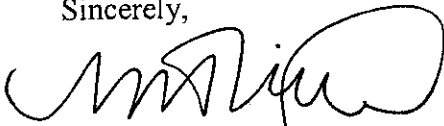
Re: Silver Springs Ranch Recharge Project
Blaine County, Idaho

Dear Jeff:

The Blaine County Board of Commissioners join me in expressing our sincere appreciation to you, Guy Bonnivier, and Chuck Brockway for presenting the proposed Silver Springs Ranch Recharge and Wildlife Enhancement Project on October 7, 2002.

The Board is very supportive of the project that is being proposed to use "waste" irrigation water to recharge the aquifer in that area. Blaine County would be interested in additional recharge projects provided they do not injure senior water rights owners. We discussed the possibility of including recharge projects in new subdivision proposals. We would request that the basic GIS data generated by this project be provided to the County to be incorporated into the County's GIS system.

Sincerely,



Mary Ann Mix, Chairman
Blaine County Board of Commissioners

C: Guy Bonnivier,
Tom O'Gara
Idaho Department of Water Resources
Blaine County Planning Office



IDAHO FISH & GAME

MAGIC VALLEY REGION
868 East Main Street
P.O. Box 428
Jerome, Idaho 83338-0428

August 16, 2002

Dirk Kempthorne/Governor
Steven M. Huffaker/Director

Jeffrey S. Rau, P.E.
Brockway Engineering
2016 North Washington Street
Suite 4
Twin Falls, ID 83301

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AUG 19 2002

Department of Water Resources
Southern Region

Dear Jeff,

Thanks for taking the time to provide a tour of the Silver Springs Ranch Groundwater Recharge and Wildlife Enhancement project. The Idaho Department of Fish and Game has reviewed the proposal and we are generally supportive of the projects intended goal of using "waste" water from the Baseline and District 45 canal systems to facilitate aquifer recharge and enhance wildlife habitat in the Silver Creek Watershed.

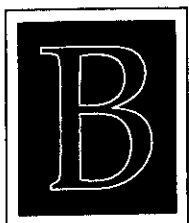
The Department has identified two issues related to the proposal. First, is the timing of water delivery and its potential impact on waterfowl and shorebird reproductive efforts. Nest initiation and incubation in May and June could be disrupted by rising water levels in May. Second, are concerns regarding the management practices that make water available for this project. The failure of canal companies and irrigation districts to actively manage water based on valid water rights exacerbates continued impacts on the Big Wood River Watershed including floodplain development, irrigation diversion, livestock grazing, and other human-induced activities. We recognize addressing water management practices are beyond the scope of this project however, the Department is concerned with the potential ramifications and precedent this may set. Specifically, natural resource benefits for Silver Creek and its tributaries are garnered at the continued detriment to the Big Wood River Watershed.

Thank you for the opportunity to provide comment. If you have further questions please contact Mike McDonald, Environmental Staff Biologist, at this office.

Sincerely,

David Parrish
Magic Valley Regional Supervisor

Cc: IDWR (A. Merritt)
Blaine County (L. Haavik)
IDFG (NRPB)
ECc: IDFG (Region 4 staff)



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Hydraulics

Hydrology

Water Resources

July 15, 2002

Corey Skinner, P.E.
Attn: Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

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JUL 26 2002

**Department of Water Resources
Southern Region**

Re: Thomas M. O'Gara Family Trust Applications
Additional Information Requested

Dear Mr. Skinner:

As requested, following is information which should partially complete the requirements outlined in your letter dated March 28, 2002 requesting additional information on the Thomas M. O'Gara Family Trust Applications. Since the applications for permit request diversion rates in excess of 5 cfs, we have submitted the following information pursuant to Rule 40.05 of the Department's Water Appropriation Rules (IDAPA 37 Title 03 Chapter 08). I have addressed each section under this rule under the heading as specified in this letter. As mentioned in the representative section, we have sent out the request for public comment and will forward that information to your office when we receive it from the agencies.

- 40.05 a. The applications are un-protested. We apologize for the delay in responding to this request and request an extension of time to allow the public comment to be submitted. Please contact me to discuss this issue.
- 40.05 b. The applications are un-protested.
- 40.05 c. Information as submitted in this letter.
- i. N/a - The District 45 and Baseline Canal systems contain multiple members (well in excess of 5) and many different water rights. This condition does not apply for these permit applications.
 - ii. N/a - not appropriating groundwater under these permit applications.
 - iii. Please see the system description narrative and supporting documentation in the permit applications submitted to IDWR. This should suffice to meet this criteria.

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PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

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40.05 d. Information as submitted in this letter.

- i. The system as proposed in the permit application is for excess flow water (wastewater) which is only available during flood periods, spring runoff periods, or periods of irrigation shut-down on adjacent farms or other canal users. There is not a specific “water requirement” since this is a wastewater filing. The system is capable of handling the 50 cfs peak anticipated flow from the two permits in addition to the water rights owned and used by the Silver Springs Ranch. Since it is wastewater, no specific average flow rate, average use period, or volume to be diverted can be specified. The consumptive use of the wastewater has been mitigated in a water right transfer submitted and un-protested in conjunction with these permit applications.
- ii. N/a - See above paragraph.

40.05 e. Information as submitted in this letter.

- i. N/a - Proof of ownership of lands provided in transfer documents.
- ii. No other permits pending with IDWR concerning this project.

40.05 f. Information as submitted in this letter.

- i. Project is nearly complete and privately funded and paid for by the applicant. No financial statement should be necessary for this project given the nature of the project.
- ii. A map of the proposed project is included with this report. The map shows the proposed recharge and wildlife enhancement areas and the method of delivery to these systems. As stated previously, large portions of the project have been completed and are privately funded by the applicant.

40.05 g. The applicant has sought comment from the following agencies to address any conflict with the local public interest.:

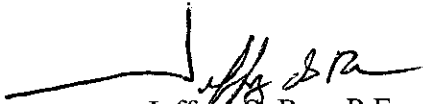
Blaine County Planning & Zoning
Idaho Department of Fish & Game
Idaho Division of Environmental Quality
Baseline Canal Company
District 45 Canal Company

To the best of our knowledge, no other agencies are required to be notified for public comment. We have included a copy of the form letter submitted to these agencies. Included with the letter to the agencies, we have included copies of the permit applications. We will forward any response to these letters to IDWR for their files and processing.

40.05 h. Not Applicable

We hope that the information included in this letter will assist in continued processing of the permit applications. We will forward any public comment to your office when we receive it. Please review the information included in this letter and contact me if you have any questions or comments. Thank you and have a great day.

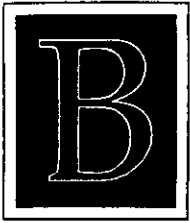
Sincerely,



Jeffrey S. Rau, P.E.

Attachment: Agency Comment Letter (Example)

Cc: Guy Bonnevier



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Hydraulics

Hydrology

Water Resources

July 15, 2002

Blaine County Planning & Zoning
Attn: Linda Haavik
206 1st Avenue South, Suite 310
Hailey, ID 83333

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JUL 26 2002

Department of Water Resources
Southern Region

Re: Silver Springs Ranch Groundwater Recharge & Wildlife Enhancement
Project – Public Interest Comment Request

Dear Ms. Haavik:

I am writing to you on behalf of our client Mr. Tom O’Gara who owns and operates the Silver Springs Ranch located in the Silver Creek Watershed of Blaine County. Mr. O’Gara has undertaken an aggressive plan of groundwater recharge and wildlife habitat enhancement within the confines of the Silver Springs Ranch.

As part of this project, Mr. O’Gara has submitted water right permit applications to the Idaho Department of Water Resources (IDWR) to allow the use of excess water in the Baseline and District 45 canal systems for wildlife enhancement and groundwater recharge to the Silver Creek Aquifer. The source of the excess water is flood water during spring runoff and unused water in the ditch systems when upstream canal users shut down their irrigation systems.

Mr. O’Gara’s ranch is located at the end point of the Baseline Canal and at the end of one of the District 45 canal laterals. As such, Mr. O’Gara has opportunity to utilize the excess water and allow the water to flow into recharge ponds and wildlife marshes directly upstream of the headwaters of several streams which feed Silver Creek. The general design and layout of the system is as described in the following paragraphs.

Currently, the Baseline Canal and one leg of the District 45 canal terminate at Baseline Road and enter the Silver Springs Ranch. These canals combine and are conveyed via ditches and canals into a settling pond and/or into ditch systems to the irrigation system and recharge and wildlife habitat enhancement areas. The recharge and wildlife enhancement areas are a combination of ponds, historical gravel pits, and marshes created with low height embankments. The system is controlled via adjustable weir boxes and control gates.

The system has been designed to handle all of the potential excess water flows into the system without surface discharging of any water directly into the

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PH.D., P.E.

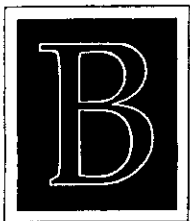
CHARLES G.
BROCKWAY,
PH.D., P.E.

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Hydraulics

Hydrology

Water Resources

July 15, 2002

District 45 Canal Company
Attn: Robert Struthers
388 Gannett Road
Bellevue, ID 83313

Re: Silver Springs Ranch Groundwater Recharge & Wildlife Enhancement
Project – Public Interest Comment Request

Dear Mr. Struthers:

I am writing to you on behalf of our client Mr. Tom O’Gara who owns and operates the Silver Springs Ranch located in the Silver Creek Watershed of Blaine County. Mr. O’Gara has undertaken an aggressive plan of groundwater recharge and wildlife habitat enhancement within the confines of the Silver Springs Ranch.

As part of this project, Mr. O’Gara has submitted water right permit applications to the Idaho Department of Water Resources (IDWR) to allow the use of excess water in the Baseline and District 45 canal systems for wildlife enhancement and groundwater recharge to the Silver Creek Aquifer. The source of the excess water is flood water during spring runoff and unused water in the ditch systems when upstream canal users shut down their irrigation systems.

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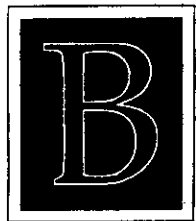
CHARLES G.
BROCKWAY,
PH.D., P.E.

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Hydraulics

Hydrology

Water Resources

July 15, 2002

Baseline Canal Company
Attn: Bill Sherbine
153 Baseline Road
Bellevue, ID 83313

Re: Silver Springs Ranch Groundwater Recharge & Wildlife Enhancement
Project – Public Interest Comment Request

Dear Mr. Sherbine:

I am writing to you on behalf of our client Mr. Tom O’Gara who owns and operates the Silver Springs Ranch located in the Silver Creek Watershed of Blaine County. Mr. O’Gara has undertaken an aggressive plan of groundwater recharge and wildlife habitat enhancement within the confines of the Silver Springs Ranch.

As part of this project, Mr. O’Gara has submitted water right permit applications to the Idaho Department of Water Resources (IDWR) to allow the use of excess water in the Baseline and District 45 canal systems for wildlife enhancement and groundwater recharge to the Silver Creek Aquifer. The source of the excess water is flood water during spring runoff and unused water in the ditch systems when upstream canal users shut down their irrigation systems.

Mr. O’Gara’s ranch is located at the end point of the Baseline Canal and at the end of one of the District 45 canal laterals. As such, Mr. O’Gara has opportunity to utilize the excess water and allow the water to flow into recharge ponds and wildlife marshes directly upstream of the headwaters of several streams which feed Silver Creek. The general design and layout of the system is as described in the following paragraphs.

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CHARLES E.
BROCKWAY,
PH.D., P.E.

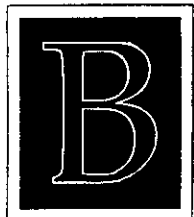
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PH.D., P.E.

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Hydraulics

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Water Resources

July 15, 2002

Idaho Division of Environmental Quality
Attn: Doug Howard
601 Pole Line Road
Twin Falls, ID 83301

Re: Silver Springs Ranch Groundwater Recharge & Wildlife Enhancement
Project – Public Interest Comment Request

Dear Mr. Howard:

I am writing to you on behalf of our client Mr. Tom O’Gara who owns and operates the Silver Springs Ranch located in the Silver Creek Watershed of Blaine County. Mr. O’Gara has undertaken an aggressive plan of groundwater recharge and wildlife habitat enhancement within the confines of the Silver Springs Ranch.

As part of this project, Mr. O’Gara has submitted water right permit applications to the Idaho Department of Water Resources (IDWR) to allow the use of excess water in the Baseline and District 45 canal systems for wildlife enhancement and groundwater recharge to the Silver Creek Aquifer. The source of the excess water is flood water during spring runoff and unused water in the ditch systems when upstream canal users shut down their irrigation systems.

Mr. O’Gara’s ranch is located at the end point of the Baseline Canal and at the end of one of the District 45 canal laterals. As such, Mr. O’Gara has opportunity to utilize the excess water and allow the water to flow into recharge ponds and wildlife marshes directly upstream of the headwaters of several streams which feed Silver Creek. The general design and layout of the system is as described in the following paragraphs.

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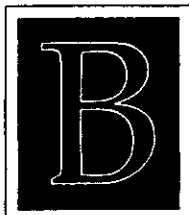
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Hydrology

Water Resources

July 15, 2002

Idaho Department of Fish & Game
Attn: David Parish
P.O. Box 428
Jerome, ID 83338-0428

Re: Silver Springs Ranch Groundwater Recharge & Wildlife Enhancement
Project – Public Interest Comment Request

Dear Mr. Parish:

I am writing to you on behalf of our client Mr. Tom O’Gara who owns and operates the Silver Springs Ranch located in the Silver Creek Watershed of Blaine County. Mr. O’Gara has undertaken an aggressive plan of groundwater recharge and wildlife habitat enhancement within the confines of the Silver Springs Ranch.

As part of this project, Mr. O’Gara has submitted water right permit applications to the Idaho Department of Water Resources (IDWR) to allow the use of excess water in the Baseline and District 45 canal systems for wildlife enhancement and groundwater recharge to the Silver Creek Aquifer. The source of the excess water is flood water during spring runoff and unused water in the ditch systems when upstream canal users shut down their irrigation systems.

Mr. O’Gara’s ranch is located at the end point of the Baseline Canal and at the end of one of the District 45 canal laterals. As such, Mr. O’Gara has opportunity to utilize the excess water and allow the water to flow into recharge ponds and wildlife marshes directly upstream of the headwaters of several streams which feed Silver Creek. The general design and layout of the system is as described in the following paragraphs.

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BROCKWAY,
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CHARLES G.
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Silver Creek system. All of the recharge locations and marshes are up gradient of headwater streams to the Silver Creek system including Grove Creek, Chaney Creek, Mud Creek, and Cain Creek. Water which enters the recharge system will positively enhance the Silver Creek system with increased flows during recharge periods. The proposed plan calls for a series of ponds and marshes to support wildlife and native plant species.

As part of the plan for this system, wastewater permit applications were submitted to IDWR to utilize up to 25 cfs from each canal system in the project. The wastewater permit would not require either of the canal systems to provide water under these permits, but would allow the canal systems a location to dispose of excess water during high flow events in the spring and cooler periods when irrigation systems are shut down. Since the system will be prepared to accept wastewater at any time, the canal systems benefit from not having to worry about handling wastewater on these portions of the canals or reducing canal flows for short periods of time.

Since the permit applications request a diversion rate in excess of 5 cfs, the applicant is required under the Water Appropriation Rules #40.05 Section G to see public comment on the proposed water appropriation and if such a request is in conflict with the local public interest. This letter is a formal request to your agency for comment on the proposed permit applications. Copies of these applications are included with this letter request.

It is our belief that the proposed permit applications are well within the public's best interest. The Silver Creek Watershed has experienced continuing depletion of the resource as evidenced by decreasing groundwater levels, decreased artesian well flows, and decreased flows in Silver Creek. As such, all of these factors constitute a threat against the water resource in this area and further downstream into the Little Wood River basin. This project and the recharge of the excess flow water into the aquifer will directly impact the Silver Creek basin in a positive manner with anticipated increased flows from the recharged water. Since the proposed plan calls for 100% of the excess flow to enter the aquifer system via recharge, there is little chance for mixing surface water with Silver Creek water.

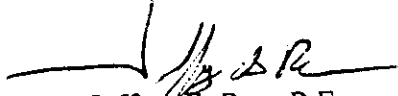
The increased water surface areas created by the ponds, marshes, and ditches will cause a slight increase in the consumptive use of the excess flow water which has historically overflowed the ditch system or been used in a gravel pit north of Baseline Road. This increase in consumptive use has been mitigated by drying up a total of 32.4 acres on the Silver Springs Ranch under Transfer #69756. Portions of the water rights appurtenant to the Silver Springs Ranch have been converted to wildlife enhancement and recharge with the associated

acres under these rights dried up to assure that there is no net increase in consumptive use of the excess flow water in the new system.

It is the wish of our client to create an area rich with wildlife and native plant species while benefiting the Silver Creek Aquifer with recharge of excess surface water. Please review the enclosed permit applications and if you wish to provide comments on this plan, please respond within 30 days. Responses to this plan will be submitted to IDWR to comply with Section 40.05 of the Idaho Department's Water Appropriation Rules (IDAPA 37 Title 03 Chapter 08).

Please review the enclosed permit applications and the information provided in this letter. If you have any questions or have difficulty understanding portions of the proposed plan, please don't hesitate to contact our office. I would be happy to take time to meet with your agency personally or discuss this project over the phone to help answer any questions. If you would like to provide comments on this plan, please respond to our office within 30 days and we will forward these comments to IDWR with the remainder of our submittal documents. Thank you and have a great day.

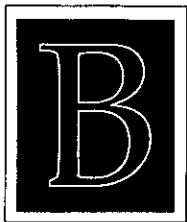
Sincerely,



Jeffrey S. Rau, P.E.

Attachment: Water Permit Applications – Silver Springs Ranch
Mitigation Transfer Documents

Cc: Mr. Tom O'Gara



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

May 7, 2002

Idaho Department of Water Resources
Attn: Corey Skinner
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RECEIVED

MAY 08 2002

Department of Water Resources
Southern Region

Re: Thomas M. O'Gara Family Trust Applications

Dear Corey:

Enclosed is the proof of ownership forms and letter signed by Victoria O'Gara agreeing to the proposed applications. Victoria is the trustee of the Syringa Ranch Trust which owns the properties. Please review the documents and add them to the file as requested.

I would like to schedule a meeting with you to discuss the additional information requirements as outlined in your March 28, 2002 letter. Since these are wastewater filings which do not allow any irrigation and are proposed for wildlife and recharge uses, I question the requirement for much of the documentation. Please contact me and we can schedule a meeting to discuss these issues. Thank you and have a great day.

Sincerely,

Jeffrey S. Rau, P.E.

Attachment: April 29, 2002 Letter from Victoria O'Gara
Syringa Ranch Trust Tax Notices

Cc: Brian Barsotti

CHARLES E.
BROCKWAY,
Ph.D., P.E.

CHARLES G.
BROCKWAY,
Ph.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

*Original with proof of ownership
in T69756 file.*

Am 7/1/02

RECEIVED

JUN 07 2002

Department of Water Resources
Southern Region

State of Idaho
Department of Water Resources
AMMEMDED APPLICATION FOR PERMIT
RECOMMENDATION OF WATERMASTER

Application No: 37-20653, 37-20654 Water Right No(s): 37-20653, 37-20654

Applicant's Name: Thomas M. O'Gara Family Trust

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) x I do not oppose approval of this application if it is conditioned as follows.

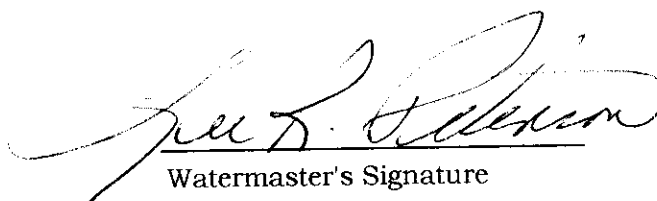
A weir be installed on new ditch where excess water from Baseline Canal and District 45 Canal come together to form one ditch, on the south side of Baseline Road .

- c) _____ I oppose approval of this application for the following reasons:

- d) _____ Additional Comment:

Dated this 6th day of June , 2002 .

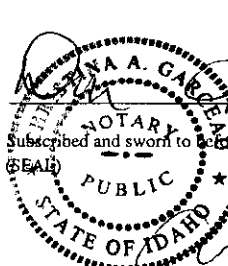
Water District No. 37


Watermaster's Signature

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } ss.

On this 25 day of April, in the year 2002, before me a Notary Public of said State, personally appeared _____, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 17 day of April, 2002 and the date of the last publication was on the 24 day of April, 2002.

 Subscribed and sworn to before me this 25 day of April, 2002.

NOTARY PUBLIC

#13029
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line		11.5
Number of Lines in Notice	114	
Number of Insertions	2	
Lines tabular at		7¢ / Pica
Lines straight at	1.43	6¢ / Pica
Subsequent lines at		5¢ / Pica
TOTAL COST	168.02	

COPY OF NOTICE

(Paste Here)

Applications concerning

TITLE OF NOTICE

Water Rights

PLAINTIFF ATTORNEY

24620 DEFENDANT

PLAINTIFF

Id. Dept. of Water

BILL TO

Resources

Applications concerning water rights

NOTICE OF APPLICATIONS

Notice is hereby given that applications have been filed with the Idaho Department of Water Resources concerning water rights within Blaine County by THOMAS M. O'GARA FAMILY TRUST, C/O BRIAN BARSOTTI, PO BOX 10013; KETCHUM ID 83340.

Application for Transfer No. 69756 filed on 2/6/2002 for diversion of a combined total of 0.95 cfs. The purpose of the transfer is to convert portions of irrigation rights appurtenant to property located 6.5 miles to 8 miles South and 2 to 3 miles East of Bellevue to groundwater recharge and wildlife uses for mitigation of pending Applications for Permit Nos. 37-20653 & 37-20654 for use in ponds and wetlands on the previously mentioned land, and surrounding lands. The irrigation rights involved with the application include ground water rights diverted from two existing wells on the previously described property and Big Wood River rights diverted through the District Canal diversion just West of Bellevue, and Big Wood River rights diverted through the Bypass diversion 2.5 miles South of Bellevue and re-diverted from the Bypass canal through the Baseline Canal diversion located 4.5 miles South of Bellevue. Protests against the proposed change may be submitted based on the criteria of Sec 42-222, Idaho Code.

Application for Permit No. 37-20653
Point(s) of Diversion: L1 (SENE) S5
T01S R19E
Source WASTE WATER Tributary To SINKS

Uses:
WILDLIFE (25 CFS) 04/01 To 11/01
WILDLIFE STORAGE (150 AFA) 01/01 To 12/31
GROUND WATER RECHARGE (25 CFS) 04/01 To 11/01
Total Diversion: 25 CFS 150 AFA
Date Filed: 12/21/2000

Application proposes diverting waste water from the tail end of a leg of the District 45 Canal system approximately 6.5 miles South and 2 miles East of Bellevue for groundwater recharge and wildlife use in ponds and wetlands on the applicants property located 0.5 mile to 1.75 miles South and 0 to 1.5 miles East of the previously described proposed diversion point.

Application for Permit No. 37-20654
Point(s) of Diversion: L1(SENE) S5
T01S R19E

Source WASTE WATER Tributary To SINKS

Uses:
WILDLIFE (25 CFS) 04/01 To 11/01
WILDLIFE STORAGE (150 AFA) 01/01 To 12/31
GROUND WATER RECHARGE (25 CFS) 04/01 To 11/01
Total Diversion: 25 CFS 150 AFA
Date Filed: 12/21/2000

Application proposes diverting waste water from the tail end of the Baseline Canal system approximately 6.5 miles South and 2 miles East of Bellevue for groundwater recharge and wildlife use in ponds and wetlands on the applicants property located 0.5 mile to 1.75 miles South and 0 to 1.5 miles East of the previously described proposed diversion point. Protests against the Applications for Permit may be submitted based on the criteria of Sec 42-203A, Idaho Code.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 with a Protest fee of \$25.00 for each application on or before May 6, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Publish: Wood River Journal—April 17 & 24, 2002.

**NOTICE
OF APPLICATIONS**

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T01S R19E

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Tributary to SINKS

Uses:

WILDLIFE (25 CFS) 04/01 To 11/01

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01/01 To 12/31

GROUND WATER RECHARGE (25
CFS) 04/01 To 11/01

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Karl J. Dreher, Director

Published: April 18, 25, 2002

OK
MB
5/6/02

Proof of Publication

The Post Register

RECEIVED

MAY 8 2002

NOTARY PUBLIC

State of Idaho
County of Bonneville

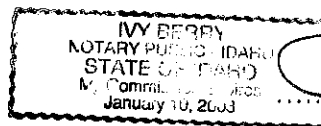
I, ~~Lynn Winter~~ or Danae Jacobsen, first being duly sworn, depose and say: That I am the ~~Production Supervisor~~ or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 18TH day of APRIL 2002, last publication having been made on the 25TH day of APRIL 2002 at the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

[Signature]

Subscribed and sworn to before me, this 1ST day of MAY 2002

OK
MB
5/6/02



[Signature]
Notary Public

My commission expires January 10, 2003

Post Register

333 Northgate Mile
Idaho Falls, ID 83401
(208) 522-1800
May 1, 2002

RECEIVED

MAY 03 2002

Department of Water Resources
Southern Region

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET SUITE 200
TWIN FALLS IDAHO 83301
208-736-3033

Account #: 546

Published: APRIL 18, 25, 2002

Legal Notice: NOTICE OF APPLICATION THOMAS M. O'GARA

T# 69756
37-20653, 37-20654

Please refer to Invoice # or Ad # 173491

PO #

TOTAL COST: **\$111.54**

OK MB
5/6/02

Please include Account Number and Ad Number with your Payment.
Thank You!

NOTICE OF APPLICATIONS

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GROUND WATER RECHARGE (25 CFS) 04/0-11/01

Total Diversion: 25 CFS 150 AFA

Date Filed: 12/21/2000

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Karl J. Dreher, Director

Published in the Times News on 4/18 & 4/25/02.

Publication

SAHO } SS.
TWIN FALLS }

Ruby Clapper being first duly sworn upon oath, depose principal clerk of the TIMES-NEWS, published daily at two consecutive weeks in the issue dated April 18, 2002, the issue dated April 25, 2002.

ther certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho lished theretofore daily except Sunday, and the Twin Falls News, published theretofore daily of which newspapers prior to consolidation had been published under said names in said city and and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at spaper began daily publication under said name in said city and county continuously and unin-

certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to rdsday is announced as the day on which said legal notices will be published.

TWIN FALLS

th day of April in the year 2002, before me, Ruby Clapper onally appeared Ruby Clapper to me to be the person whose name subscribed to the within instrument, and being by me first that the statements therein are true, and acknowledged to me that he executed the same.

Linda Capps
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5-19-03

RECEIVED

APR 30 2002

Department of Water Resources
Southern Region

No 43949

OK
MB
4/30/02

RETAIN THIS PORTION FOR YOUR RECORDS

REMITTANCE ADDRESS THE TIMES-NEWS - LEGAL P.O. BOX 548, TWIN FALLS, ID 83303-0548		BILL TO DEPT WATER RESOURCES	
AD NUMBER 342484	CLASS 0050 LEGAL	SALESPERSON 5	BILLING DATE 04/25/02
AD DESCRIPTION THOMAS O'GARA FAMILY TRUST, L# 69756		START DATE 04/18/02	STOP DATE 04/25/02
PUBLICATION 4 THE TIMES NEWS LEGAL 37-20653, 2 FLAT CHARGE TOTAL AD CHARGE 37-20654	INSERTIONS LGL FC	NET AMOUNT 159.60 159.60	GROSS AMOUNT
4 AFFIDAVIT CHARGE	AFFID	7.00	
DAYS RUN			
PURCHASE ORDER legal		PAY THIS AMOUNT	166.60
			166.60*

MESSAGE:

RECEIVED

APR 30 2002

Department of Water Resources
Southern Region

OK
MB
4/30/02

DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

THE TIMES-NEWS - LEGAL

P.O. BOX 548, TWIN FALLS, ID 83303-0548

legal

AD NUMBER 342484	CLASS 050 LEGAL	START DATE 04/18/02	STOP DATE 04/25/02
AD DESCRIPTION THOMAS O'GARA FAMILY TRUST		BILLING DATE 04/25/02	TELEPHONE NUMBER 208-736-3033

GROSS AMOUNT OF
166.60
DUE AFTER

☐ VISA ☐ MASTERCARD

CREDIT CARD NUMBER

EXPIRATION DATE: ____/____

SIGNATURE: _____

DEPT WATER RESOURCES
1341 FILLMORE, SUITE 200
TWIN FALLS, ID 83301



TOTAL AMOUNT DUE 166.60
ENTER AMOUNT ENCLOSED

204000000034248400000000000000001666000000166603

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

SOLD TO: DEPT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 20
TWIN FALLS ID 833013380

Date 04/25/2002INVOICE NO. 291323Account No. 446620Description 291323NOTICE OF APPLICTimes 2Lines 80

RECEIVED

Tab. Lines

APR 29 2002

\$ 119.60Department of Water Resources
300 Capitol Mall

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

291323
NOTICE OF APPLICATIONS
Notice is hereby given that applica-
tions have been filed with the Idaho
Department of Water Resources
concerning water rights within
Blaine County by THOMAS M.
OGARA FAMILY TRUST, C/O
BRIAN BARSOTTI, PO BOX
10013, KETCHUM ID 83340.
Application for Transfer No. 69756
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combined total of 0.95 cfs proposes
converting portions of existing irri-
gation rights for mitigation of con-
sumptive uses for two pending ap-
plications for permit. Protests
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Applications for Permit:
Point(s) of Diversion: L1 (SENE)
S5 T01S R19E
Source WASTE WATER Tributary
To SINKS

Uses:
WILDLIFE (25 CFS) 04/01 To 11/01
WILDLIFE STORAGE (150 AFA)
01/01 To 12/31
GROUND WATER RECHARGE
(25 CFS) 04/01 To 11/01
Total Diversion: 25 CFS 150 AFA
Date Filed: 12/21/2000

Protests against the Applications
for Permit may be submitted based
on the criteria of Sec 42-203A, Ida-
ho Code.

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Application proposes diverting
waste water from the tail end of a
leg of the District 45 Canal system
approximately 6.5 miles South and
2 miles East of Bellevue for
groundwater recharge and wildlife
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applicant's property located 0.5
mile to 1.75 miles South and 0 to
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scribed proposed diversion point.

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miles South and 0 to 1.5 miles East
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208-736-3033 or visit
www.idwr.state.id.us with detail
provided under "New Water Right
Applications". Protests against ap-
proval must be filed with IDWR,
Southern Region, 1341 Fillmore
St.-Suite 200, Twin Falls, ID 83301
with a protest fee of \$25.00 for each
application on or before May 6,
2002. The protestant must also
send a copy of the protest to the ap-
plicant.

Karl J. Dreher, Director
Published in the Idaho Statesman,
Lewiston Morning Tribune, Post
Register, Times News on 4/18 &
4/25/02.

OK
MB
4/30/02

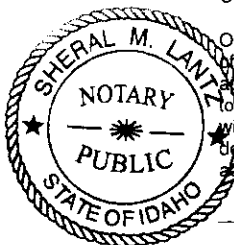
Karen Lewis, being duly sworn, deposes and
says, I am the Legal Clerk of the Tribune
Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho,
publishers of the LEWISTON MORNING TRIBUNE, a news-
paper of general circulation published at Lewiston, Nez Perce
County, Idaho; That the said Lewiston Morning Tribune is
an established newspaper and has been published regularly
and issued regularly at least once a day for more than 21
consecutive years next immediately preceding the first
publication of this notice, and has been so published
uninterrupted for said period; that the 291323NOTICE OF
attached hereto and which is made a part of this affidavit
was published in the said Lewiston Morning Tribune,
2 time(s). Publication being on
04/18, or once a WEEK
for 2 consecutive WEEKS,
the first publication thereof being on the 04/18/2002,
and the last publication thereof being on the 04/25/2002,
and said 291323NOTICE OF was so published in the
regular and entire issue of said newspaper and was not in a
supplement thereof and was so published in every issue and
number of the said paper, during the period and times of
publication as set forth above.

Karen Lewis

State of Idaho

S.S.

County of Nez Perce



On this 25th day of April in the year
of 2002, before me, a Notary Public, personally
appeared Karen J. Lewis, known or identified
to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn,
declared that the statements therein are true, and
acknowledged to me that he executed the same.

Sheral M. Lantier
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires June 4, 03

The Idaho Statesman

RECEIVED

APR 26 2002

Department of Water Resources
Southern Region

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DTI#	Identification	Amount
100632	641971	NOTICE OF APPLICATION	\$171.00
Attention:		P.O. #	Run Dates
MARY BALDWIN			APRIL 18, 25, 2002
IDAHO DEPT. WATER RESOURCES SOUTH 1341 FILLMORE ST. SUITE 200 TWIN FALLS, ID 83301			Number of Lines 48 X 2
			Affidavit 1
			Legal # 13184

LEGAL NOTICE NOTICE OF APPLICATIONS

Notice is hereby given that applications have been filed with the Idaho Department of Water Resources concerning water rights within Blaine County by THOMAS M. O'GARA FAMILY TRUST, C/O BRIAN BARSOTTI, PO BOX 10013; KETCHUM ID 83340.

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GROUND WATER RECHARGE (25 CFS) 04/01 To 11/01
Total Diversion: 25 CFS 150 AFA
Date Filed: 12/21/2000

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Karl J. Dreher, Director

Pub. Apr. 18, 25, 2002

13184

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended, for:

TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
insertion(s)

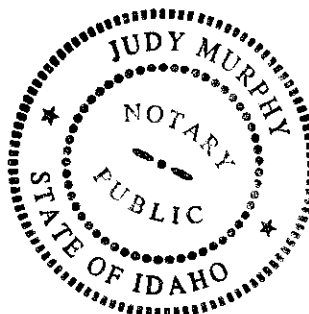
beginning issue of: APRIL 18, 2002

ending issue of: APRIL 25, 2002

Janice Hildreth

STATE OF IDAHO)
) ss
COUNTY OF ADA)

On this 25 day of APRIL in the year of 2002 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Notary Public for Idaho
Residing at: Emmett
My Commission expires: 11/1/04

Judy Murphy

OK
mb
4/30/02

RECEIVED

APR 24 2002

Department of Water Resources
Southern Region

State of Idaho
Department of Water Resources
~~Transfer~~ of Water Right(s) *PERMIT*
RECOMMENDATION OF WATERMASTER

Application No: 37-20653 & 37-20654
Applicant's Name: Thomas M O'Gara

Water Right No(s): 37-20653 & 37-20654

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
b) ☒ I do not oppose approval of this application if it is conditioned as follows.

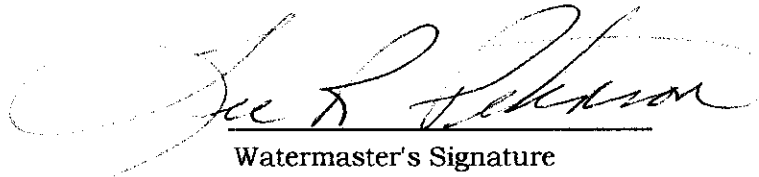
If methods of regulation and measurement are installed to our specifications.

- c) ☐ I oppose approval of this application for the following reasons:

- d) ☐ Additional Comment:

Dated this 22nd day of April, 2002.

Water District No. 37



Watermaster's Signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 9, 2002

LEE PETERSON WATERMASTER
WATER DISTRICT #37
PO BOX T
SHOSHONE ID 83352

Re: Application for Transfer of Water Right No. 69756 (37-00113 Part, et al); Application for Permit Nos. 37-20653 & 37-20654 – Thomas O'Gara Family Trust

Dear Mr. Peterson:

Enclosed are copies of Applications within your District, and Watermaster's Recommendation Forms.

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation forms and return to this office.

Regional review of an unprotested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

If you have any questions about an application, please contact this office or the applicant.

Very truly yours,

Mary A. Baldwin
Administrative Assistant

Enclosures

NOTICE OF APPLICATIONS

Notice is hereby given that applications have been filed with the Idaho Department of Water Resources concerning water rights within Blaine County by THOMAS M. O'GARA FAMILY TRUST, C/O BRIAN BARSOTTI, PO BOX 10013; KETCHUM ID 83340.

Application for Transfer No. 69756 filed on 2/6/2002 for diversion of a combined total of 0.95 cfs. The purpose of the transfer is to convert portions of irrigation rights appurtenant to property located 6.5 miles to 8 miles South and 2 to 3 miles East of Bellevue to groundwater recharge and wildlife uses for mitigation of pending Applications for Permit Nos. 37-20653 & 37-20654 for use in ponds and wetlands on the previously mentioned land, and surrounding lands. The irrigation rights involved with the application include ground water rights diverted from two existing wells on the previously described property and Big Wood River rights diverted through the District Canal diversion just West of Bellevue, and Big Wood River rights diverted through the Bypass diversion 2.5 miles South of Bellevue and re-diverted from the Bypass canal through the Baseline Canal diversion located 4.5 miles South of Bellevue. Protests against the proposed change may be submitted based on the criteria of Sec 42-222, Idaho Code.

Application for Permit No. 37-20653

Point(s) of Diversion: L1 (SENE) S5 T01S R19E

Source WASTE WATER Tributary To SINKS

Uses:

WILDLIFE (25 CFS) 04/01 To 11/01

WILDLIFE STORAGE (150 AFA) 01/01 To 12/31

GROUND WATER RECHARGE (25 CFS) 04/01 To 11/01

Total Diversion: 25 CFS 150 AFA

Date Filed: 12/21/2000

Application proposes diverting waste water from the tail end of a leg of the District 45 Canal system approximately 6.5 miles South and 2 miles East of Bellevue for groundwater recharge and wildlife use in ponds and wetlands on the applicants property located 0.5 mile to 1.75 miles South and 0 to 1.5 miles East of the previously described proposed diversion point.

Application for Permit No. 37-20654

Point(s) of Diversion: L1(SENE) S5 T01S R19E

Source WASTE WATER Tributary To SINKS

Uses:

WILDLIFE (25 CFS) 04/01 To 11/01

WILDLIFE STORAGE (150 AFA) 01/01 To 12/31

GROUND WATER RECHARGE (25 CFS) 04/01 To 11/01

Total Diversion: 25 CFS 150 AFA

Date Filed: 12/21/2000

Application proposes diverting waste water from the tail end of the Baseline Canal system approximately 6.5 miles South and 2 miles East of Bellevue for groundwater recharge and wildlife use in ponds and wetlands on the applicants property located 0.5 mile to 1.75 miles South and 0 to 1.5 miles East of the previously described proposed diversion point. Protests against the Applications for Permit may be submitted based on the criteria of Sec 42-203A, Idaho Code.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before May 6, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River Journal on 4/17 & 4/24/02.

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033
Fax#: 736-3037

April 9, 2002

ATTN: ROCHELLE-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Dear Rochelle:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 at 736-3033. An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

NOTICE OF APPLICATIONS

Notice is hereby given that applications have been filed with the Idaho Department of Water Resources concerning water rights within Blaine County by THOMAS M. O'GARA FAMILY TRUST, C/O BRIAN BARSOTTI, PO BOX 10013; KETCHUM ID 83340.

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Date Filed: 12/21/2000

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No. 37-20653

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Karl J. Dreher, Director

Published in the Idaho Statesman, Lewiston Morning Tribune, Post Register, Times News on 4/18 & 4/25/02.

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax#: 736-3037

April 9, 2002

ATTN: JANICE HILDRETH-LEGALS
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

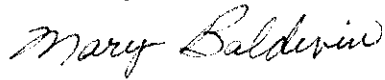
Dear Janice:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely

A handwritten signature in cursive script that reads "Mary A. Baldwin".

Mary A. Baldwin
Administrative Assistant

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033
Fax: 736-3037

April 9, 2002

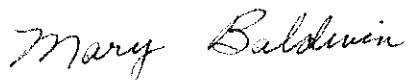
ATTN Karen
LEWISTON MORNING TRIBUNE
505 C STREET
LEWISTON ID 83501

Dear Karen:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 at 736-3033.
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax#: 736-3037

April 9, 2002

ATTN: **Cathy-LEGALS DEPT**
POST REGISTER
PO BOX 1800
IDAHO FALLS ID 83401

Dear Cathy:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 9, 2002

ATTN LEGALS DEPT
TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303-0548

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Administrative Assistant

Enclosure

NOTICE OF APPLICATIONS

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Total Diversion: 25 CFS 150 AFA

Date Filed: 12/21/2000

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No. 37-20653

Application proposes diverting waste water from the tail end of a leg of the District 45 Canal system approximately 6.5 miles South and 2 miles East of Bellevue for groundwater recharge and wildlife use in ponds and wetlands on the applicants property located 0.5 mile to 1.75 miles South and 0 to 1.5 miles East of the previously described proposed diversion point.

No. 37-20654

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Karl J. Dreher, Director

Published in the Times News on 4/18 & 4/25/02.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 28, 2002

Jeff Rau
Brockway Engineering
2016 North Washington Street
Suite 4
Twin Falls, ID 83301

RE: Thomas M. O' Gara Family Trust Applications

Dear Mr. Rau:

As you recall you submitted two Applications for Permit and a Transfer Application to our office in the name of Thomas M. O'Gara Family Trust. The two Applications for Permit proposed diverting waste water from the tail end of legs of the District and Baseline Canals for groundwater recharge and wildlife uses on Mr. O' Gara's property, while the transfer application proposed modifying irrigation rights to mitigate consumptive uses associated with the Applications for Permit.

Preliminary review and data entry of the above-mentioned applications has been completed and the applications have been forwarded to Mary Baldwin of this office to prepare the legal notice for the applications. However, the Department needs additional information before taking final action on the applications.

As you recall, we need proof of ownership of the East ½ of the Northeast ¼ of Section 08 (Township 01 South, Range 19 East). If someone other than the applicant owns this property, a notarized statement from the owner, agreeing with the proposed applications must be included along with the proof of ownership.

Because the two Applications for Permit propose diverting more than 5.0 cfs, the Department requires additional information to be submitted with the application pursuant to Rule 40.05 of the Department's Water Appropriation Rules (IDAPA 37 Title 03 Chapter 08). I have included a copy of this rule and a checklist that outlines the additional information that must be submitted for your reference.

If you have any questions, or need any further assistance, feel free to contact our office.

Sincerely,

Corey Skinner, PE
Water Resource Engineer

Enclosures

37-20654

MEMORANDUM

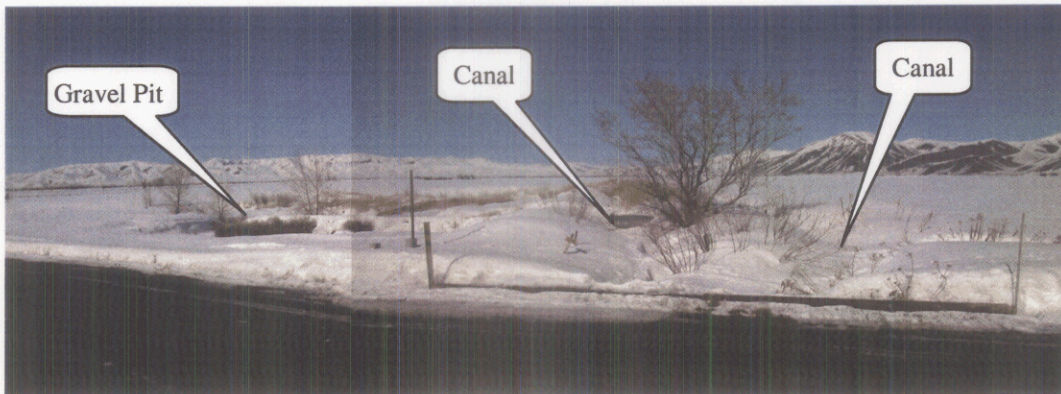
TO: Thomas M. O'Gara Family Trust Application for Permit Files

FROM: Corey Skinner *CS*

DATE: February 22, 2002

SUBJECT: Field Visit

On February 20th, I visited the site of the proposed point of diversion for the Thomas M. O'Gara Family Trust Applications for Permit. The applications list the source of the water for these applications as water from the tail end of the District 45 and Baseline Canals. During the visit, there was heavy snowfall in the area, but photos of the same area that were taken in May of 2000 were submitted along with the applications. That attached photos document my February 20th visit...



ABOVE: View from the Baseline Road looking north up the tail end of the Baseline and District 45 Cannals.

BELOW: View from the same point as above on the Baseline Road looking directly south at proposed diversion point for O'Gara applications for permit.



37-20654



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 22, 2001

Jeff Rau
Brockway Engineering
2016 North Washington Street
Suite 4
Twin Falls, ID 83301

Dear Mr. Rau:

In December of 2000, you submitted two Applications for Permit in the name of Thomas M. O'Gara Family Trust to our office. These applications proposed diverting water from the District 45 and the Baseline Canals for recharge and wildlife uses on the applicant's property. As you recall, our office expressed concerns regarding the consumptive use aspects of the proposal and you offered to mitigate the consumptive uses by submitting transfer applications of existing irrigation water rights associated with the property.

Department Administration recently expressed concern regarding our office holding applications and allowing an earlier priority date while we await the submittal of a mitigation plan.

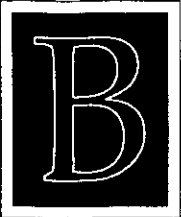
For this reason, our office will allow 30 days from the date of this letter, for the submittal of a mitigation plan for the two Thomas M. O'Gara Family Trust applications. **If a mitigation plan is not submitted within 30 days our office will return the applications and refund the filing fees.** If our office returns the applications and refunds the filing fees, you have the option to resubmit the applications, along with a mitigation plan, at any time.

If you have any questions, or need any further assistance, feel free to contact me at your convenience.

Sincerely,

Corey Skinner, PE
Water Resource Engineer

37-20654



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

December 18, 2000

Idaho Department of Water Resources
Southern Regional Office
Attn: Allen Merritt
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

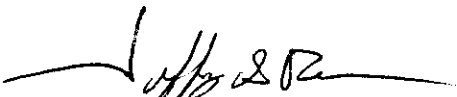
Re: The Thomas M. O'Gara Family Trust
Waste Water Filings

Dear Allen:

Following this cover letter are two applications for permit to be filed on behalf of the Thomas M. O'Gara Family Trust. The intent of these filings are to allow the Silver Springs Ranch to divert and beneficially use waste water from the District 45 Canal and the Baseline Canal for groundwater recharge and wildlife enhancement. Please review Attachment A which describes the intent of these applications.

Please review the enclosed material and contact our office if you have any questions or concerns. Thank you and have a great day.

Sincerely,



Jeffrey S. Rau PE

CHARLES E.
BROCKWAY,
Ph.D., P.E.

CHARLES G.
BROCKWAY,
Ph.D., P.E.

Cc: Guy Bonnivier
Brian Barsotti

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

37-20654