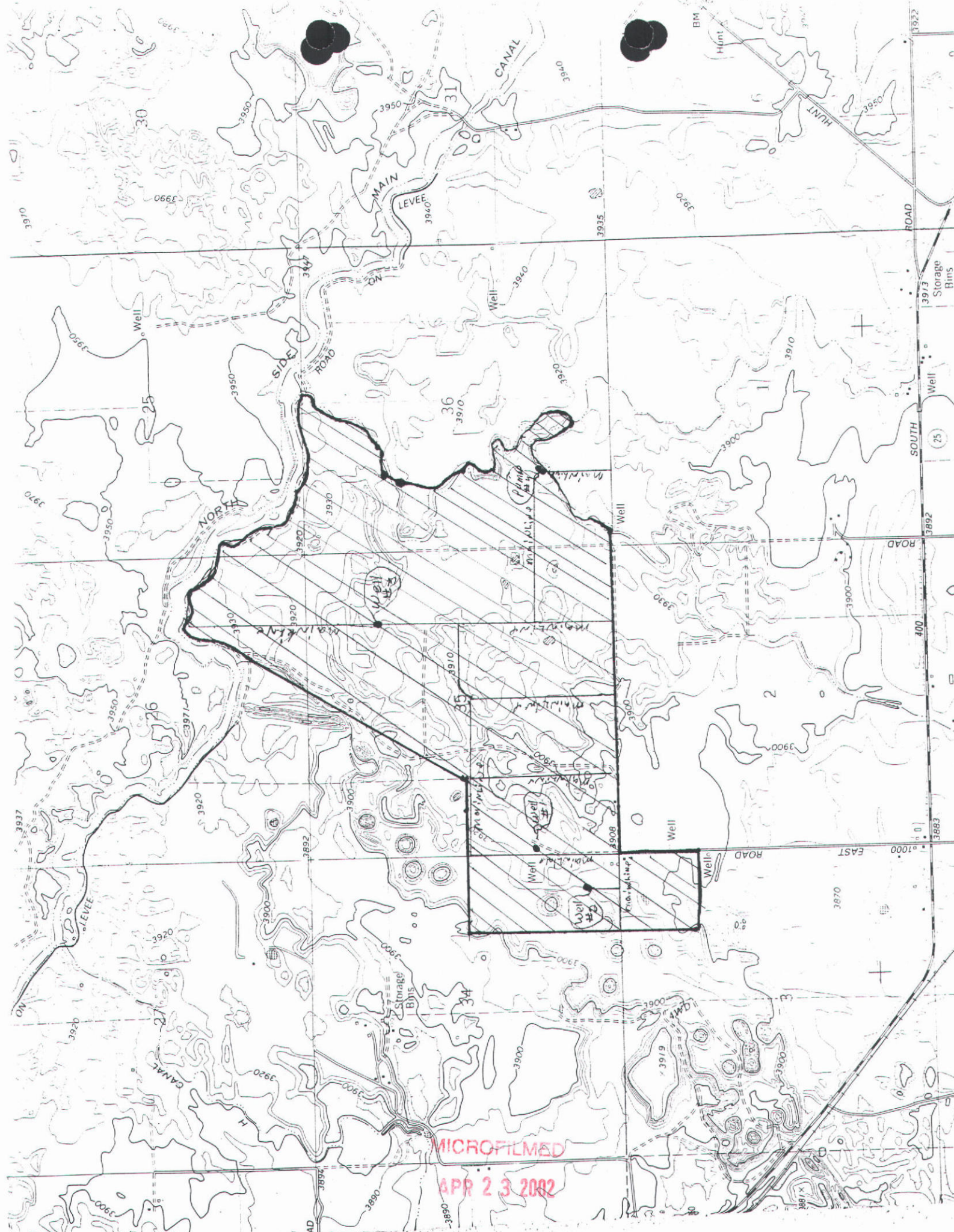




State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-15993

Priority: July 31, 1974

Maximum Diversion Rate: 0.52 CFS
Maximum Diversion Volume: 252.3 AF

It is hereby certified that THOMAS M O GARA FAMILY TRUST
C/O BRIAN BARSOTTI
PO BOX 370
KETCHUM ID 83340 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 31, 1974 has submitted
Proof of Beneficial Use on December 01, 1989. An examination indicates that the works have a
diversion capacity of 2.88 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
03/15 to 11/15

DIVERSION RATE
0.52 CFS

**ANNUAL
DIVERSION VOLUME**
252.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, Twp 08S, Rge 18E, B.M. JEROME County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 18E 34																9.0	9.0
08S 18E 35			16.0				16.0	8.0	32.0	15.0	18.0						105.0
09S 18E 3	2.0																2.0
	L 1																

Total Acres: 116

CONDITIONS OF APPROVAL

1. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-15993

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 464.0 af at the field headgate for the lands above.
5. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. Rights 36-2206, 36-2725A and 36-7491 are also diverted through the points of diversion described above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 16TH day of April, 2002.

Acting for


KARL J. DREHER
Director

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State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

Department of Water Resources

(For Licensing Purposes)
WATER RIGHT NO. 36-15993

Date of Priority: July 31, 1974

Maximum Diversion Rate: 0.52 CFS

Maximum Diversion Volume: 252.3 AF

Comes now ~~CONSTANTINO A SOUSA~~~~301 S 1000 E~~~~JEROME ID 83336~~

See Assignment
Form

And/Or

The Thomas M. O'Gara Family Trust

Thomas M. O'Gara - Trustee

c/o Brian Barsotti

P.O. Box 370

Ketchum, ID 83340

~~LORENE SOUSA~~~~301 S 1000 E~~~~JEROME ID 83336~~

(208) 726-3030

and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 36-15993, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.52 CFS	252.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER

NW1/4SW1/4

Sec. 35, Twp 08S, Rge 18E, B.M.

JEROME County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 18E 34																9.0	9.0
08S 18E 35			16.0					16.0	8.0	32.0	15.0	18.0					105.0
09S 18E 3	2.0																2.0
	L1																

Total Acres: 116

Permit holder asserts that no one will be injured by such change and that such change will be made at
permit holder's own risk. Signed this 2nd day of April, 2002.

Thomas M O'Gara
(Signature)

Dy Green Barsotti
Attorney-in-fact

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APR 23 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-15993

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 50⁰⁰ Received by JL # C061287 Date 4-10-02

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 36-15993 with the following:

CONDITIONS OF APPROVAL

1. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 464.0 af at the field headgate for the lands above.
5. Rights 36-2206, 36-2725A and 36-7491 are also diverted through the points of diversion described above.

Witness my hand this 16TH day of April, 2002.


Acting for **KARL J. DREHER**
Director

MICROFILMED

APR 23 2002

11/99

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For Office Use Only
\$25 filing fee 25.00
Receipt # 9261286
Date 4-12-02

STATE OF IDAHO Department of Water Resources
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

Constantino A. Sousa & The Thomas M. O'Gara Family Trust
I, Lorine Sousa, hereby assign to Thomas M. O'Gara - Trustee

of, c/o Brian Barsotti P.O. Box 370 Ketchum, ID 83340 (208) 726-3030
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. _____ to
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

36-15493

The following described portion of my right, title, and interest in and to for
Permit No. 36-07492A to appropriate the public waters of the State of Idaho.

(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

POD = NW SW Sec 35, Twp 08 S, Rge 18E, B.M.

Diversion Rate = 0.52 cfs POU = 116 acres

POU = T08S, R18E, Sec 34, (9 ac SE SE)

T08S, R18E, Sec 35, (8 ac NE SW, 32 ac NW SW, 16 ac SE NW, 15 ac SW SW
-cont- 18 ac SE SW, 16 ac SW NE)

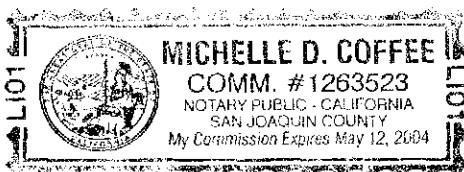
T09S, R18E, Sec 03, (2 ac NE NE - Lot 1) Total = 116 ac

Made this 22 day of March, 2002

Constantino Sousa Lorine Sousa
Permit Holder(s)

State of CA
County of San Joaquin

On this 22 day of March, 2002, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.



SEAL

Michelle D. Coffee
Notary Public residing at

San Joaquin County, CA

My commission expires: May 12, 2004

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APR 23 2002

WARRANTY DEED

#J-29877

For Value Received

Constantino A. Sousa and Lorine Sousa, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Thomas M. O'Gara Family Trust, by and through its Trustee, Thomas M. O'Gara
Address: C/O Brian J. Barsotti, Esq.
P.O. Box ~~10013~~ ²⁷⁰, Ketchum, ID 83340

Hereinafter called the Grantee, the following described premises situated in JEROME County, Idaho, to-wit:

SEE EXHIBIT "A" attached hereto:

****TOGETHER WITH** all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 160.00 shares of Capital Stock in the North Side Canal Company, Ltd.; and Idaho Department of Water Resources water rights No. 36-2206, 36-2725A, 36-7491, and 36-15058.

SUBJECT TO:

COPY

All reservations in patents or deeds in the chain of title.

Assessments of the North Side Canal Company and the rights and powers of said Company as by law provided.
Right of way for roads, canals, laterals and waste ditches as contained in an Agreement by and between the State of Idaho, and the Twin Falls North Side Land and Water Company, dated August 21, 1907, recorded in Book 15 Page 589, Jerome County records.

Power Line Easement given by Lloyd H. Miller and Donnie Miller, husband and wife, to Idaho Power Company, a corporation, dated February 10, 1953, recorded August 26, 1953 in Book 150 Page 310 as Instrument Number 120042, Jerome County records, affecting the S $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 8 South, Range 18, East Boise Meridian.

Power Line Easement given by Lloyd H. Miller and Donnie Miller, husband and wife, to Idaho Power Company, a corporation, dated March 30, 1955, recorded July 13, 1956 in Book 2 Page 337 as Instrument Number 129726, Jerome County records, affecting the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 8 South, Range 18, East Boise Meridian.

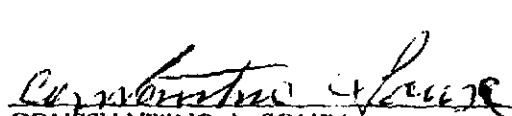
Power Line Easement given by Lloyd H. Miller and Donnie Miller, husband and wife, to Idaho Power Company, a corporation, dated July 21, 1958, recorded October 17, 1958 in Book 3 Page 6 as Instrument Number 137235, Jerome County records, affecting the W $\frac{1}{2}$ E $\frac{1}{2}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 8 South, Range 18, East Boise Meridian.

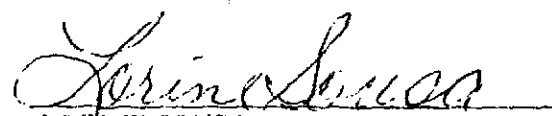
Power Line Easement given by Lloyd H. Miller and Donnie Miller, husband and wife, to Idaho Power Company, a corporation, dated April 3, 1959, recorded February 17, 1960 in Book 150 Page 607 as Instrument Number 141859, Jerome County records, affecting the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 35 and N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 36, Township 8 South, Range 18, East Boise Meridian.

Power Line Easement given by William J. Saccoman and Patricia Linden Saccoman, husband and wife, to Idaho Power Company, a corporation, dated May 30, 1972, recorded October 19, 1972 in Book 184 Page 620 as Instrument Number 196571, Jerome County records, affecting a portion of Lot 1 in Section 3, Township 9 South, Range 18, East Boise Meridian.

Power Line Easement given by Wm. Saccoman, MD and Patricia Saccoman, husband and wife, to Idaho Power Company, a corporation, dated February 5, 1979, recorded June 5, 1979 as Instrument Number 242194, Jerome County records, affecting a portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 8 South, Range 18, East Boise Meridian.

Power Line Easement given by Sundance Ranch, Inc. to Idaho Power Company, a corporation, dated May 5, 1986, recorded August 20, 1986 as Instrument Number 300464, Jerome County records, affecting a parcel of land in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, Township 8 South, Range 18 East of the Boise Meridian.


CONSTANTINO A. SOUSA


LORINE SOUSA

MICROFILMED

STATE OF IDAHO)
) ss.
COUNTY OF JEROME)

APR 23 2002

On this 5th day of DECEMBER, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Constantino A. Sousa and Lorine Sousa, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.


Notary Public
Residing at:
My Commission expires:

RICK BERNSEN
★ NOTARY PUBLIC ★
STATE OF IDAHO

RESIDING AT JEROME, ID
MY COMMISSION EXPIRES 7-30-03

EXHIBIT "A"

Order Number: J-29877

**TOWNSHIP 8 SOUTH, RANGE 18, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO**

Section 25: SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Section 26: SE $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 34: NE $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 35: E $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; N $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$;
NW $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$;

Section 36: W $\frac{1}{2}$;

**TOWNSHIP 9 SOUTH, RANGE 18, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO**

Section 3: Lot 1;

EXCEPTING THEREFROM the following described parcel of land:

**TOWNSHIP 8 SOUTH, RANGE 18, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO**

A parcel of land located in Section 25, 26, 35 and 36, described as follows:

Commencing at the South quarter corner of said Section 36;

Thence North 0°04'18" East along the North-South center of section line of section 36 for
a distance of 361.24 feet to the center of Lateral "F" of the Northside Canal

Company and being THE TRUE POINT OF BEGINNING;

Thence along the center of Lateral "F" on the following courses:

North 87°18'40" West, 56.25 feet;

South 83°34'56" West, 124.39 feet;

North 82°03'17" West, 41.45 feet;

North 62°52'07" West, 49.27 feet;

North 54°33'45" West, 136.42 feet;

North 47°56'00" West, 39.06 feet;

North 37°08'39" West, 55.03 feet;

North 22°06'56" West, 32.73 feet;

North 03°56'45" East, 27.47 feet;

North 25°13'19" East, 29.38 feet;

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- Continued -

APR 23 2002

CONTINUATION

EXHIBIT "A"

Order Number: J-29877

North 85°03'41" West, 31.96 feet;
 North 68°53'13" West, 41.67 feet;
 North 63°28'20" West, 68.16 feet;
 North 55°13'59" West, 47.21 feet;
 North 38°18'45" West, 58.93 feet;
 North 30°30'44" West, 51.38 feet;
 North 19°00'50" West, 31.59 feet;
 North 07°29'19" West, 31.70 feet;
 North 03°44'01" East, 33.01 feet;
 North 13°52'02" East, 112.84 feet;
 North 03°43'42" East, 39.06 feet;
 North 10°46'54" West, 23.96 feet to the intersection with a fence line running Westerly;
 Thence leaving the center of the irrigation lateral and following an existing fence line on the following courses:
 North 86°58'39" West, 224.80 feet;
 North 87°10'19" West, 559.84 feet;
 North 87°06'31" West, 773.22 feet;
 North 00°11'49" East, 145.90 feet;
 North 88°18'30" West, 610.45 feet;
 North 88°43'32" West, 554.13 feet;
 North 01°14'03" East, 1134.67 feet;
 North 30°32'26" East, 148.33 feet;
 North 36°06'36" East, 886.71 feet;
 North 18°47'46" East, 190.75 feet;
 North 09°08'15" East, 458.74 feet;
 North 28°55'38" West, 315.38 feet to the intersection with the North boundary of the SW¼SE¼ of Section 26;
 Thence South 89°52'36" East along the North boundary of the SW¼SE¼ of Section 26 for a distance of 551.33 feet to the Southwest corner of the NE¼SE¼ of Section 26;
 Thence North 0°10'07" West along the West boundary of the NE¼SE¼ for a distance of 1320.69 feet to the Northwest corner of the NE¼SE¼;
 Thence South 89°51'55" East along the North boundary of the NE¼SE¼ for a distance of 1320.22 feet to the East quarter corner of Section 26;
 Thence South 0°23'30" East along the East boundary of the SE¼ of Section 26 for a distance of 1320.45 feet to the Northwest corner of the SW¼SW¼ of Section 25;
 Thence North 89°57'17" East along the North boundary of the SW¼SW¼ of Section 25 for a distance of 1321.48 feet to the Northeast corner of the SW¼SW¼;
 Thence South 0°16'58" East along the East boundary of the SW¼SW¼ for a distance of 1317.51 feet to the Southeast corner of the SW¼SW¼ of Section 25;
 Thence North 89°49'38" East along the South boundary of Section 25 for a distance of 1318.96 feet to the North quarter corner of Section 36;
 Thence South 0°04'18" West along the North-South center Section line of Section 36 for a distance of 4934.20 feet to the intersection with the center of Lateral "F" and being THE TRUE POINT OF BEGINNING

APR 23 2002

CONTINUATION

EXHIBIT "A"

Order Number: J-29877

South 59°20'36" West, 69.00 feet;
 South 67°57'16" West, 99.32 feet;
 South 82°23'41" West, 41.03 feet;
 North 85°14'15" West, 98.53 feet;
 North 70°59'06" West, 109.28 feet;
 North 26°59'19" West, 26.56 feet;
 North 33°33'39" East, 119.50 feet;
 North 16°47'25" East, 29.38 feet;
 North 04°22'37" West, 123.94 feet;
 North 20°50'24" West, 111.68 feet;
 North 07°01'20" West, 46.24 feet;
 North 18°35'15" East, 32.76 feet;
 North 58°26'56" East, 33.91 feet;
 North 73°50'57" East, 33.68 feet;
 South 88°47'44" East, 36.93 feet;
 South 81°18'31" East, 77.97 feet;
 North 68°40'13" East, 28.42 feet;
 North 29°47'42" East, 31.02 feet;
 North 01°12'31" West, 31.10 feet;
 North 37°00'43" West, 28.46 feet;
 North 51°13'48" West, 103.84 feet;
 North 40°16'39" West, 61.15 feet;
 North 50°42'05" West, 64.10 feet;
 North 43°54'14" West, 38.96 feet;
 North 58°18'52" West, 98.99 feet;
 North 45°50'22" West, 123.02 feet;
 North 29°06'13" West, 50.86 feet;
 North 12°05'06" West, 26.87 feet;
 North 00°58'48" West, 58.15 feet;
 North 35°04'22" West, 33.04 feet;
 North 55°49'41" West, 33.33 feet;
 North 70°46'04" West, 34.37 feet;
 North 82°13'50" West, 131.17 feet;
 South 80°52'49" West, 102.96 feet;
 North 86°57'06" West, 42.31 feet;
 North 69°31'30" West, 38.84 feet;
 North 33°32'22" West, 87.28 feet;
 North 50°43'03" West, 41.00 feet;
 South 83°14'04" West, 38.71 feet;
 South 42°28'53" West, 87.23 feet;
 South 62°02'47" West, 29.75 feet;

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APR 23 2002 - Continued -

CONTINUATION

EXHIBIT "A"

Order Number: J-29877

North 36°06'34" East, 40.25 feet;
 North 34°18'31" East, 73.73 feet;
 North 11°15'59" East, 26.71 feet to the intersection with the main lateral;
 Thence along the center of the main lateral on the following courses:
 South 88°25'19" East, 33.02 feet;
 North 38°13'04" East, 24.03 feet;
 North 03°14'47" East, 156.05 feet;
 North 12°03'08" East, 84.82 feet;
 North 03°13'17" West, 44.52 feet;
 North 47°01'11" West, 34.88 feet;
 North 67°07'50" West, 189.58 feet;
 North 57°53'34" West, 34.75 feet;
 North 36°33'36" West, 45.21 feet;
 North 20°01'16" West, 39.23 feet;
 North 01°37'44" East, 51.37 feet;
 North 17°18'22" East, 50.72 feet;
 North 36°53'44" East, 127.44 feet;
 North 18°37'59" East, 50.57 feet;
 North 16°19'07" West, 26.83 feet;
 North 59°55'41" West, 30.63 feet;
 North 86°06'21" West, 41.05 feet;
 South 72°04'44" West, 59.77 feet;
 North 87°56'55" West, 48.56 feet;
 North 68°16'44" West, 49.27 feet;
 North 65°51'34" West, 190.49 feet;
 North 56°40'00" West, 115.32 feet;
 North 42°16'44" West, 144.93 feet;
 North 06°57'05" West, 27.18 feet;
 North 31°20'29" East, 25.31 feet;
 North 52°49'49" East, 29.09 feet;
 North 67°38'38" East, 39.10 feet;
 North 80°55'07" East, 56.00 feet;
 North 89°15'19" East, 124.94 feet;
 North 75°47'07" East, 35.61 feet;
 North 56°37'14" East, 51.20 feet;
 North 28°00'39" East, 31.89 feet;
 North 02°28'20" East, 28.48 feet;
 North 49°07'05" West, 25.23 feet;
 South 86°13'58" West, 60.82 feet;
 North 85°02'32" West, 166.67 feet;
 South 85°35'56" West, 60.89 feet;

- MICRONALPES Continued -

APR 23 2002

07/94

RECEIVED

JUL 26 1999

RECEIVED

JUL 28 1999

Department of Water Resources

For Office Use Only

\$25.00 Filing Fee

Receipt# 5022401

Date 7/27/99

State of Idaho
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

SUNDANCE RANCH, INC.
I, DON MCFARLAND, PRESIDENT hereby assign to CONSTANTINO A. SOUSA &/OR
(Permit Holder) LORINE SOUSA
of 301 SOUTH 1000 EAST, JEROME, ID 83338
(Full address and phone number)

All my right, title, and interest in and to Permit No. _____
to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
Permit No. 36-07492A to appropriate the public waters of the State of Idaho. .
split into Rights 36-15992 & 36-15993 at licensing
Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
point of diversion location, and the amount of water in cubic feet per second. 116 AC = 0.52 CFS

T.08S., R.18E., S34 -- 9 ac. SESE

S35 -- (16 ac.SWNE; 8 ac.NESW; 32 ac.NWSW;

POD IS: T08S R18E S35

NWSW (well)

16 SENW; 15 ac.SWSW; 18 ac.SESW) = 105 acres

T.09S., R.18E. S03 -- 2 ac LT 2 (NENE)

Made this 1st day of JULY 19 99

Don McFarland, president
SUNDANCE RANCH, INC. Permit Holder(s) DON MCFARLAND, PRESIDENT

State of Idaho)
ss
County of Twin Falls)

On this 1st day of JULY, 1999, personally appeared before me
the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

ROBERT JONES

Notary Public

SEAL

MICROFILMED

APR 23 2002

My Commission Expires: 12-20-00

Signature



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

April 17, 2002

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

RE: License No. 36-15993 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

Enclosed is a copy of the approved Application for Amendment.

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 208-327-7946.

Sincerely,

Shelley W Keen

Water Rights Supervisor

MICROFILMED

SWK:klt

APR 23 2002

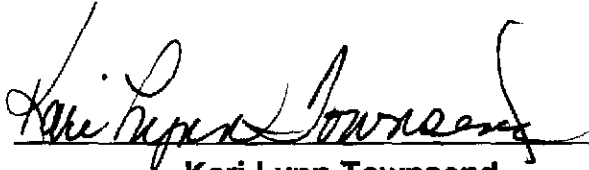
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 36-15993

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



**Kari Lynn Townsend
Secretary**

**MICROFILMED
APR 23 2002**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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).

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APR 23 2002

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.

MEMORANDUM

To: Files 36-15992 and 36-15993

From: Sharla

Date: April 15, 2002

Re: Licensing

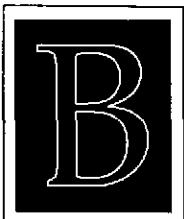
Right 36-7492A was split by assignment at time of licensing; the two new rights created by the split are 36-15992 and 36-15993.

The field examiner found a total of 210 acres irrigated from a total of 3 wells with a combined total capacity of 8.96 cfs. The licenses will be issued as follows:

Rt. Number	Rate	Acres	Well Nos.
36-15992	0.42 cfs	94	2 & 3
36-15993	0.52 cfs	116	1
Totals	0.94 cfs	210	

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ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

April 5, 2002

Idaho Department of Water Resources
State Office
c/o Sharla Curtis
1301 North Orchard Street
Boise, ID 83706

RECEIVED
APR 10 2002
Department of Water Resources

Re: Water Right Permit #36-07492A
Assignment of Permit & Application for Amendment Forms

Dear Ms. Curtis:

Enclosed you will find the executed documents which should complete the assignment of permit and permit amendment requirements for permit #36-07492A. These documents in addition to the \$75.00 check for processing fees should allow you to proceed ahead with licensing this right.

Please review the two documents and contact me if you have any questions or comments. Thank you and have a great day.

Sincerely,

Jeffrey S. Rau, P.E.

Attachment: Assignment of Permit Form #36-07492 (executed)
Assignment of Permit (Sousa to O'Gara - March 22, 2002)
Brockway Engineering Check - \$75.00

Cc: Brian Barsotti
Tom O'Gara

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

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APR 23 2002



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

March 18, 2002

JEFFREY RAU
BROCKWAY ENGINEERING
2016 N WASHINGTON STE 4
TWIN FALLS ID 83301

RE: Water Right Permit No. 36-15993 (formerly a portion of 36-7492A)

Dear Jeff:

Enclosed is the clean amendment form I promised to send you when I spoke with you on Friday. Note that I split 36-7492A based on the assignment the department received in 1999. The names on the amendment are still Sousa's because I don't have an executed assignment yet, but you can have Mr. O'Gara or Mr. Barsotti sign the amendment form and we'll change the name before we print a license so it will reflect the assignment to O'Gara Family Trust after you've returned all the signed documents and fees to us (\$25 assignment fee and \$50 amendment fee).

Let me know if I can provide any further information. I look forward to getting this one licensed and I appreciate all your help in tying up the loose ends. Please return the forms and fees within 14 days if at all possible. If you have any questions, please call me at 327-5452.

Sincerely,

Sharla Curtis
Sr. Water Resource Agent

Enclosure

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APR 23 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

OCT 11 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 36-07492A

Copy

1. Owner: Sundance Inc. Phone No. (208) 734-0004

Current Address: 350 Falls Ave. Twin Falls, Idaho 83301

2. Accompanied by: Jack McCall (Clear Creek Land & Mortgage) EXAM DATE : 8/1/96

Address: 501 Gulch Lane, Twin Falls, Idaho 83301 Phone No. (208) 734-6622

Relationship to Permit Holder: Land Manager

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 36-02206, 36-07491, 36-02725, & 36-07492B

2. Other water rights with the same point of diversion: 36-02206, 36-07491, & 36-02725

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge	County	Method of Determination/Remarks
WELL #1		S W	N W	S W	35	08S	18E	JEROME	VISUAL AND ASCS MAPS
WELL #2		N W	S E	S E	34	08S	18E	JEROME	SEE ABOVE
WELL #3		S W	N E	N E	35	08S	18E	JEROME	SEE ABOVE

2. Place(s) of Use:

Indicate Method of Determination _____

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	18E	34																9	9 AC
08S	18E	35			16					16	8	32	15	18					105 AC
08S	18E	36					38	40	16										94 AC
09S	18E	03	2 <i>lot 4</i>																2 AC

TOTAL ACRES = 210 acres

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APR 23 2002

3. **Delivery System Diagram:** Include all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

SEE ATTACHED SHEET

YES Copy of USGS Quadrangle attached showing location(s) of point(s) of diversion and place(s) of use (required).

YES Aerial Photo attached (required for irrigation of 10+ acres).

YES Photo of diversion and system attached.

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
WELL #1	US ELECTRIC	150 Hp	R-6350-D6-122 R2146178H	LAYNE BOWLER	UNKNOWN
WELL #2	US MOTORS	30 Hp	UNKNOWN	DEMMING	15 STAGE RL BOWL
WELL #3	US MOTORS	200 Hp	C521227 84- 04104-366	VERTILINE	V74-04582
PUMP #4	GENERAL ELECTRIC	100 Hp	BPJ201359	VERTILINE	V75-70440

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Polysonic Portable Flow Meter	Tyme Flyte	149744	TF*P	N7H5506		April 1996

2. Measurements: SEE ATTACHED SHEET

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APR 23 2002

E. NARRATIVE/REMARKS/COMMENTS

The water from this well comes from four points of diversion. Three of these points of diversion are groundwater wells and the other is a diversion from a canal belonging to the Northside Canal Company (pump #4). Well #1 is located in the SW 1/4 - NW 1/4 - SW 1/4 of section 35 - township 08S - range 18E. Well #2 is located in the NW 1/4 - SE 1/4 - SE 1/4 of section 34 - township 08S - range 18E. Well #3 is located in the SW 1/4 - NE 1/4 - NE 1/4 of section 35 - township 08S - range 18E. Pump #4 located in the NW 1/4 - SE 1/4 - SW 1/4 of section 36 - township 08S - range 18E.

The water from well #2 is diverted into a mainline that traveled due south for approximately 1/8 of a mile. This mainline intersects a mainline traveling east and west. This mainline is used to irrigate the pasture in section 3 of 40 acres. This mainline runs for a 1/4 of mile from the eastern border of section 3. At the eastern border of section 3 this mainline intersects a north south mainline. This mainline travels due north for just over a half of a mile. Approximately 3/8's of a mile up this mainline is where well #1 diverts into this diversion works. At the northern end of this mainline (1/2 north of section 3 - section 35 corner) it turns due west for 1/8 of a mile. From this point the mainline Y's to two directions. The first leg of the Y travels due south for a 1/2 of a mile to the end of the property. The second leg of the travels Northeast for approximately 1/8 of a mile and then turns west for another 3/8's of a mile where it intersects a north south mainline. This north south mainline runs from the southern boundary of the farm 1 1/2 miles to the northern section of this farm. This mainline is intersected in three places. The first intersection is located 1/4 of a mile from the southern boundary. This intersection runs mainline 9/16 of a mile to the east where it connects to pump #4. Pump #4 diverts 5.94 cfs (see attached theoretical sheet) of water from a pond that is fed by Northside Canal Company water. The second intersection of this north and south mainline is the one I described above located 5/8 of a mile from the southern border. The third intersection is the mainline from well #3 located 3/4 of a mile from the southern border. The mainline then continues on north to the end of the system at the northern border of the farm.

All of these lands are irrigated with either hand lines or wheel lines. Mostly hand lines are used due the rough topography of the farm. This farm also uses some of the irrigated ground for pasture for livestock and the rest is used to grow row crops.

The measurements of these wells were done in three stages. I measured well #1 with a polysonic portable flow meter. Unfortunately well #2 had been taken out for repairs and well #3 was not being used at the time of the exam. Gary Funderburg had measured well #3 on an earlier field exam and a theoretical measurement was performed on well #2 and pump #4.

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APR 23 2002

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

WELL #1Polysonic - $1291 \text{ gpm} / 448.8 = 2.88 \text{ cfs}$ (see attached reading sheet)**WELL #2**

Theoretical - .55 cfs (see attached theoretical sheet)

WELL #3Gary Funderburg's reading - 5.53 cfs (see attached copy of reading sheet)**TOTAL CFS = 8.96 cfs****G. VOLUME CALCULATIONS****1. Volume Calculations for Irrigation:**

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 210 \times 4.0 = 840 \text{ afa}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .94 \times 214 \times 1.9835 = 399 \text{ afa}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 399 \text{ afa}$$

B**2. Volume Calculations for Other Uses:****H. RECOMMENDATIONS****1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRRIGATION</u>	<u>APRIL 01</u>	<u>OCT. 31</u>	<u>.94 cfs</u>	<u>399 afa</u>

Totals: .94 cfs 399 afa**2. Recommended Amendments**

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATIONField Examiner's Name Daniel A. Nelson Date 9-25-90

Reviewer _____ Date _____

SEAL

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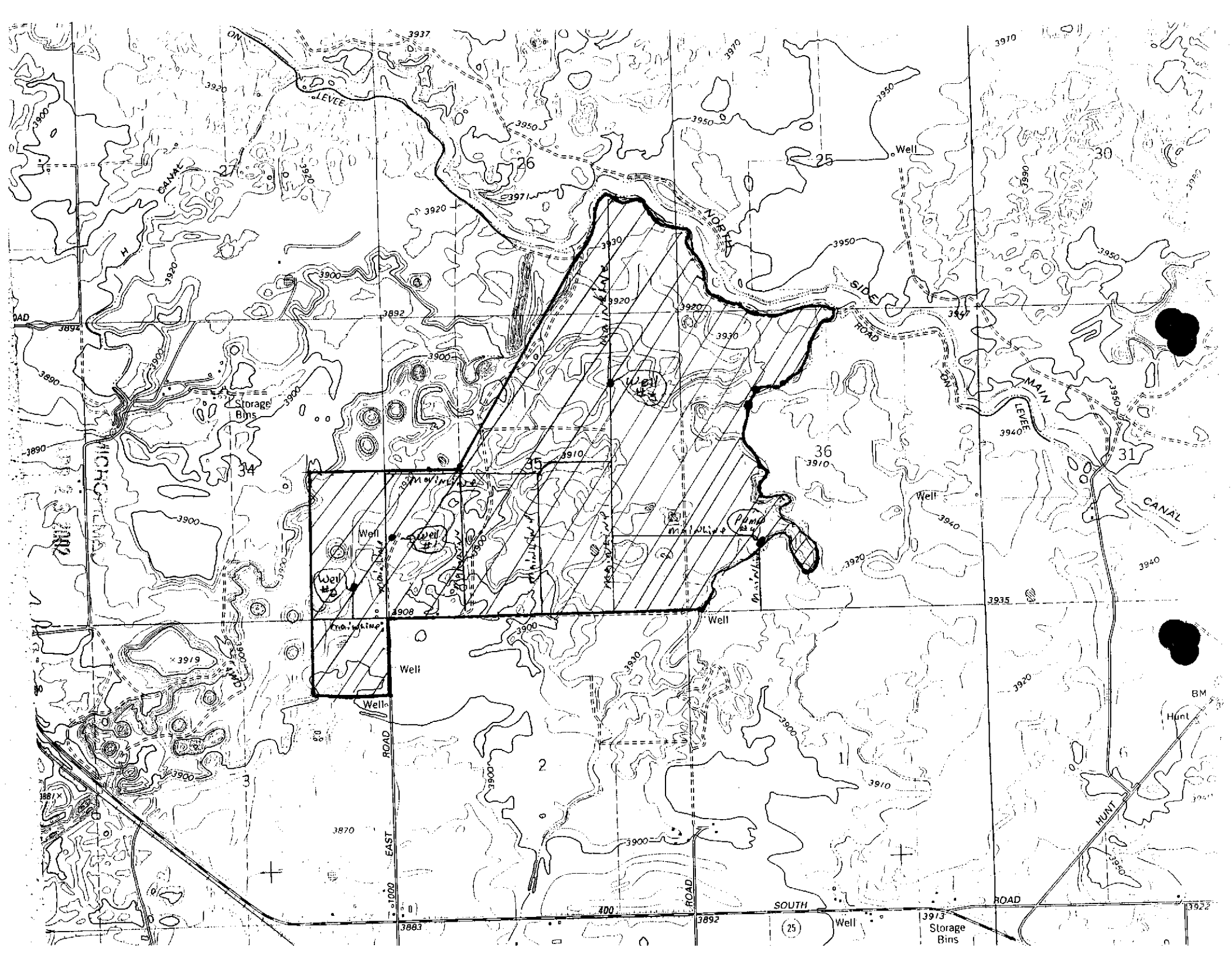
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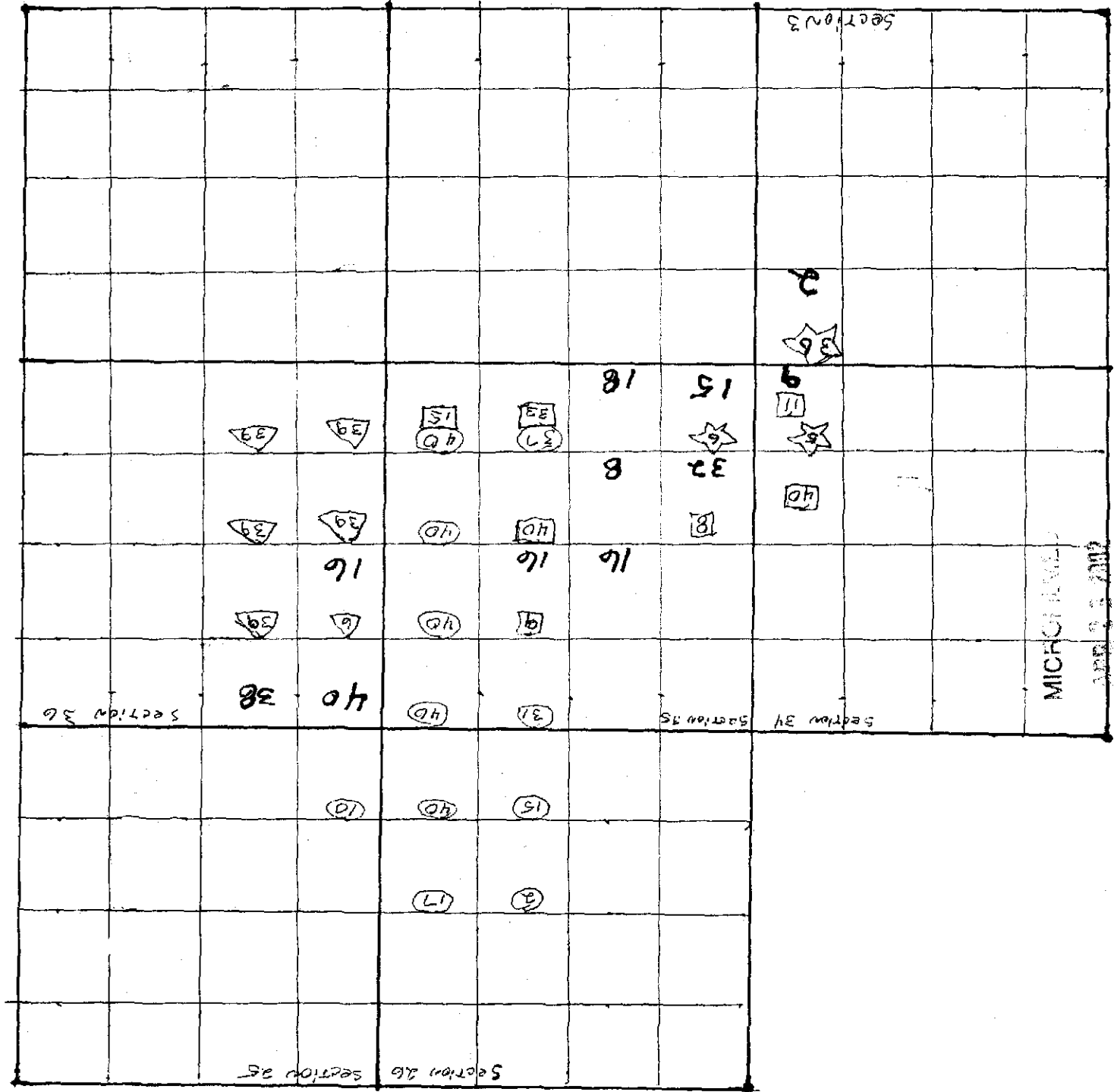
I RECOMMEND THAT THIS BE LICENSED UNDER THE FOLLOWING CONDITIONS:

1. That this right be licensed for 210 acres which are the acres not covered by water rights 36-02206, 36-02725, 36-07491, and 36-07492B.
2. That this water right be limited to .94 cfs and a maximum diversion rate of 7.06 cfs when combined with water rights numbers 36-02206, 36-02725, and 36-07491. The 7.06 cfs diversion rate is well under the 8.96 cfs capacity of the well. Therefore Sundance Inc. will have to manage their three wells to maintain the 7.06 cfs diversion rate described by their licenses.
3. That this water be used as a primary water right due to when both the canal shares and the wells are combined only .016 cfs per acre can be applied.
4. That when this right and any other rights are combined that the diversion rate does not exceed .02 cfs per acre.

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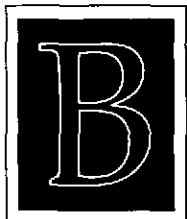


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APR 2 5 2012

Acres under this Permit
 #36-07492A
 TOTAL ACRES 210

- 36-03206
- 36-02735
- 36-07491
- 36-07492



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ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAR 11 2002

Department of Water Resources

March 8, 2002

Idaho Department of Water Resources
State Office
c/o Sharla Curtis
1301 North Orchard Street
Boise, ID 83706

Re: Water Right Permit #36-07492A
Assignment of Permit & Amendment of Recommendation Forms

Dear Ms. Curtis:

Enclosed you will find two forms which address current issues on water right permit #36-07492A. Based on the IDWR database, the current owner of this permit is Constantino A. and Lorine Sousa. This permit is appurtenant to land purchased by our client Thomas M. O'Gara from the Sousa's in December 2001.

We have included an assignment of permit form from Constantino A. and Lorine Sousa which when executed, should legally transfer the permit to The Thomas M. O'Gara Family Trust in care of Thomas M. O'Gara, Trustee. This form has been forwarded to Mr. Sousa via Fed-Ex Courier and we will forward the executed copy of this form to your office once we have received it. A copy of the cover letter to Mr. Sousa requesting the signatures is included with this letter. Also, as proof of ownership of the land under this permit, we have included a copy of the warranty deed for this ranch which conveys all appurtenant water rights including the referenced permit (although not specifically listed) to the Trust.

As you will note from the assignment of permit form, the assigned diversion rate and acreage differs from that on the original permit. We hope that our research into this right and the following explanation will help to straighten out the changes that have occurred since the issuance of the permit.

Based on our research, the original permit was granted to divert a total of 0.94 cfs of groundwater from three wells and beneficially use said water over 232 acres of property located in Sections 25,34,35, & 36 in T08S, R18E, and Section 3 in T09S, R18E, B.M. During some time under the ownership of Sundance Corporation (Don McFarland), a portion of ranch located in Section 25 & 36 was sold to Mr. Walker, however, a split of the permit was never accomplished in the transaction. A beneficial use field report was submitted to IDWR on October 11, 1996 for the permit. The field report recommended a place of use (POU) of 210 acres and a diversion rate of 0.94 cfs. Of the 210 acres listed in the field report, a total of 116 acres under this permit were

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

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APR 23 2002

located within the existing ranch purchased by Constantino & Lorine Sousa and subsequently by Tom O’Gara. The remaining 96 acres under the field report were located on the property sold to Mr. Walker.

Our research found an assignment of permit form from Sundance Ranch, Inc. (Don McFarland, President) which assigned a portion of the permit to Constantino & Lorine Sousa. The form (enclosed) assigned 116 acres under the permit #36-07492A and listed a diversion rate of 0.52 cfs which is the correct proportionate amount based on the 210 acres recommended in the field report. This form was stamped received by IDWR on July 25, 1999.

As requested, we have amended the application for amendment to reflect the portion of the right appurtenant to Mr. O’Gara’s ranch. The signed application for amendment is included with this letter. As you will note, the point of diversion has been reduced to one well which reflects the historical practice under this portion of the permit.

For further information concerning this permit, we recommend referencing the Beneficial Use Field Report submitted on October 11, 1996. We have not included a copy of this report in this submittal since our copy was sent from your office files.

We hope that the documentation included with this letter will help you in licensing water right #36-07492A. As you will note, we have not addressed the “remainder” of the permit which was supposedly purchased by Mr. Walker. I am not aware of the status of his ranch or the water rights appurtenant to it.

Please review the information in this letter and the attachments and contact me if you have any questions or comments. Thank you and have a great day.

Sincerely,

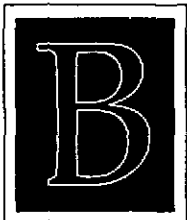


Jeffrey S. Rau, P.E.

Attachment: Assignment of Permit Form #36-07492 (not executed)
Cover letter to Constantine & Lorine Sousa
Warranty Deed dated December 5, 2001
Assignment of Permit (Sundance to Sousa dated July 1, 1999)
Application for Amendment Form (amended per split permit)

Cc: Brian Barsotti
Tom O’Gara

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APR 23 2002



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

March 5, 2002

Constantino A. & Lorine Sousa
430 Swallow Lane
Lodi, California 95240

Re: Water Right Permit #36-7492A

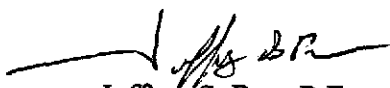
Dear Mr. & Mrs. Sousa:

Our firm represents our client Mr. Thomas M. O'Gara who purchased your ranch in December 2001. As part of this purchase Water Right Permit #36-07492A was conveyed to Tom O'Gara, however, the form to assign this permit to him was never filed with Idaho Department of Water Resources.

I have included a form which assigns this permit from you to The Thomas M. O'Gara Family Trust. Could you please review this form and as permit holders, sign and notarize the form and return it in the enclosed Fed-Ex envelope. For your records, I have also included a copy of the form filed by Mr. McFarland when you purchased the ranch. You will note that no changes have been made in this assignment of permit.

Please review this letter and the enclosed form. If you have any questions or comments, please contact me and I would be happy to answer any questions. Thank you and have a great day.

Sincerely,



Jeffrey S. Rau, P.E.

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

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

Attachment: Assignment of Permit Form #36-07492A
Copy - McFarland 1999 Assignment Form
Postage Paid Fed-Ex Mailer for Return of Form

Cc: Brian Barsotti

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

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APR 23 2002

RECEIVED

MAR 11 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

Department of Water Resources

(For Licensing Purposes)

WATER RIGHT NO. 36-07492A

Date of Priority: July 31, 1974

Maximum Diversion Rate: ~~0.52~~ CFS 0.52 cfsMaximum Diversion Volume: ~~220.3~~ AF 220.3 ac tComes now ~~CONSTANTINO X SOUSA~~

~~301 S 1000 E~~
~~JEROME ID 83340~~

The Thomas M. O'Gara Family Trust
Thomas M. O'Gara - Trustee
c/o Brian Barsotti, Esq.
P.O. Box 370
Ketchum, ID 83340
(208) 726-3030

And/Or

~~LORINE SOUSA~~
~~301 S 1000 E~~
~~JEROME ID 83340~~

and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 36-07492A, and requests that the permit be changed as follows:

Source: GROUND WATER

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	03/15 to 11/15	~~0.94~~ CFS 0.52 cfs	~~220.3~~ AF 220.3 AF

LOCATION OF POINT(S) OF DIVERSION:

~~GROUND WATER~~ ~~XXXXXX NW 1/4 SE 1/4 Sec 34, Twp 08S, Rge 18E, B.M. JEROME County~~
GROUND WATER SV 1/4 NW 1/4 SW 1/4 Sec. 35, Twp 08S, Rge 18E, B.M. JEROME County
~~GROUND WATER~~ ~~XXXXXX SW 1/4 NE 1/4 Sec 35, Twp 08S, Rge 18E, B.M. JEROME County~~

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
~~08S 18E 34~~																	~~2.0~~
08S 18E 34																9.0	9.0
08S 18E 35			16.0					16.0	8.0	32.0	15.0	18.0				~~12.0~~	~~117.0~~ 105.0
~~08S 18E 38~~																	~~2.0~~
08S 18E 3	2.0																2.0
	L1																

Total Acres: ~~220~~ 116 ac

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 5TH day of MARCH, 2002.

Thomas M. O'Gara by Brian Barsotti
(Signature)
Attorney-in-Fact

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RECEIVED

Page 2

MAR 11 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-07492A

Department of Water Resources

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = _____ Received by _____ # _____ Date _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 36-07492A with the following:

CONDITIONS OF APPROVAL

1. This right is for the use of inst water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right.
3. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 880.0 af at the field headgate for the lands above.
5. Rights 36-2206, 36-2725A, ~~36-2725B~~ and 36-7491 are also diverted through the points of diversion described above.

Witness my hand this _____ day of _____, 2002.

KARL J. DREHER
Director

NOTE:
REMOVE
36-2725 B
"WALKER FARMS"

APR 13 2002

MICROFILMED

APR 23 2002