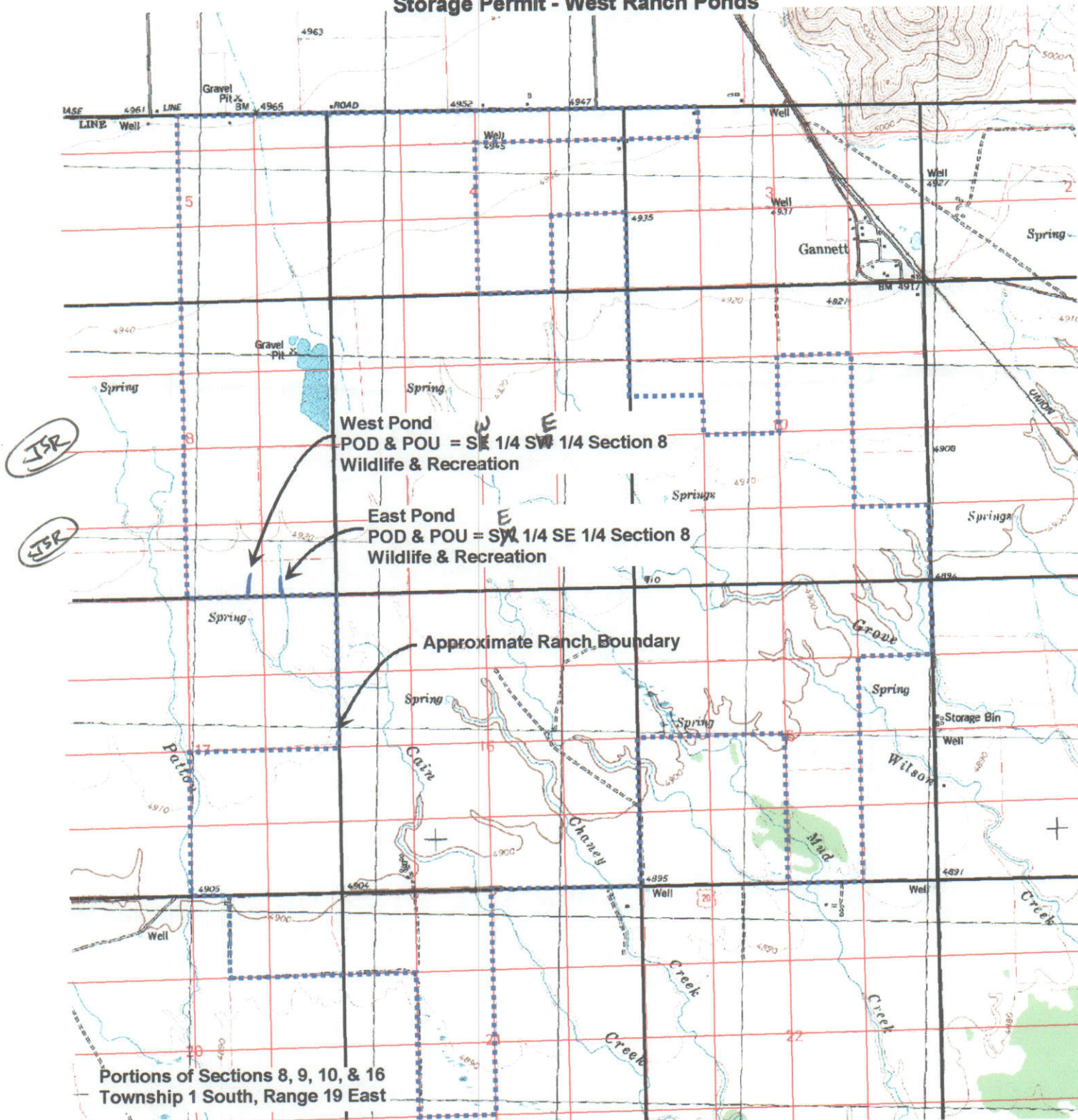


SILVER SPRINGS RANCH

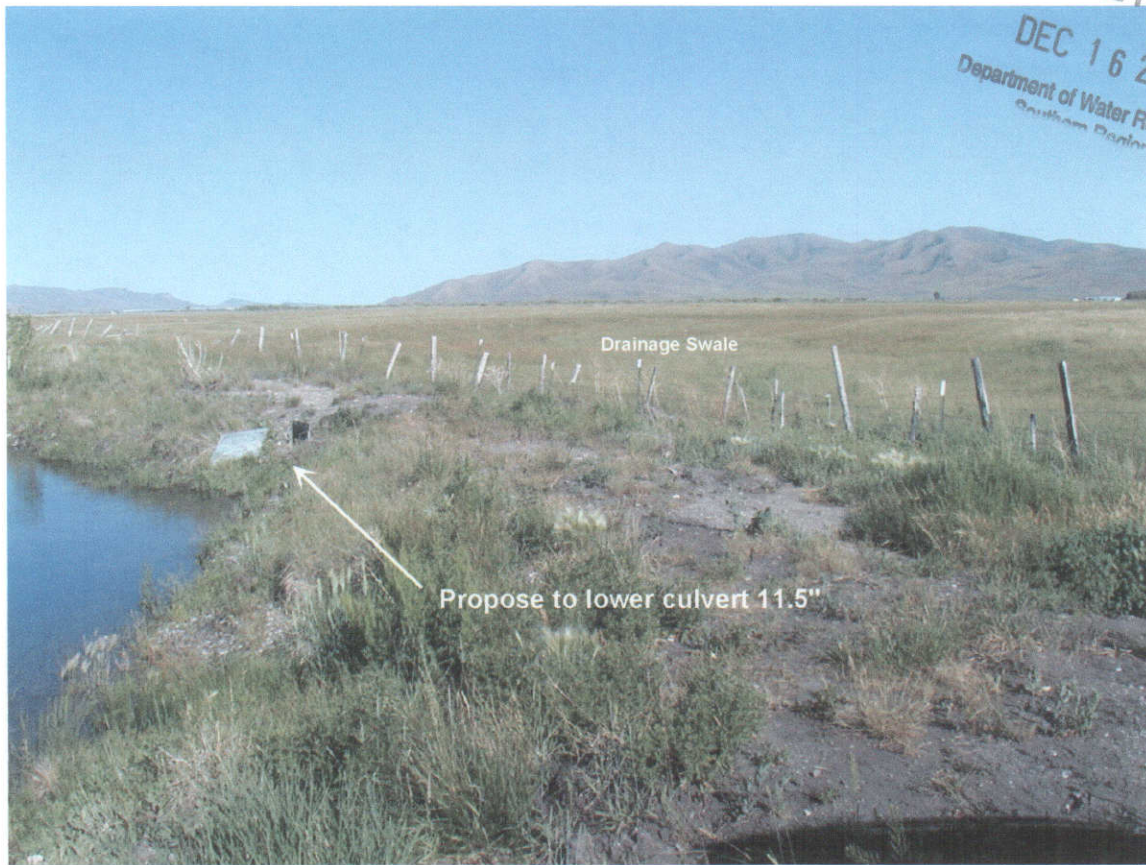
Storage Permit - West Ranch Ponds

37-20899

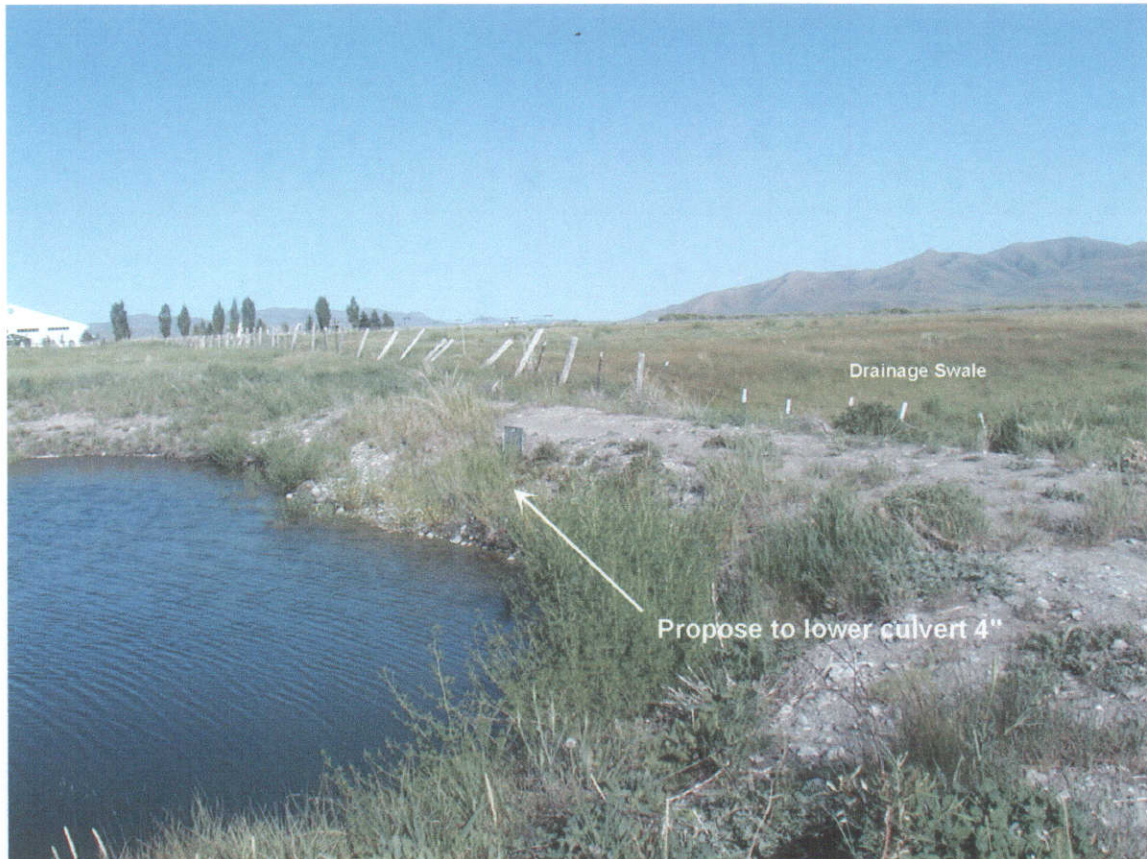


Silver Springs Ranch - West Ponds

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Department of Water Resources
Southern District



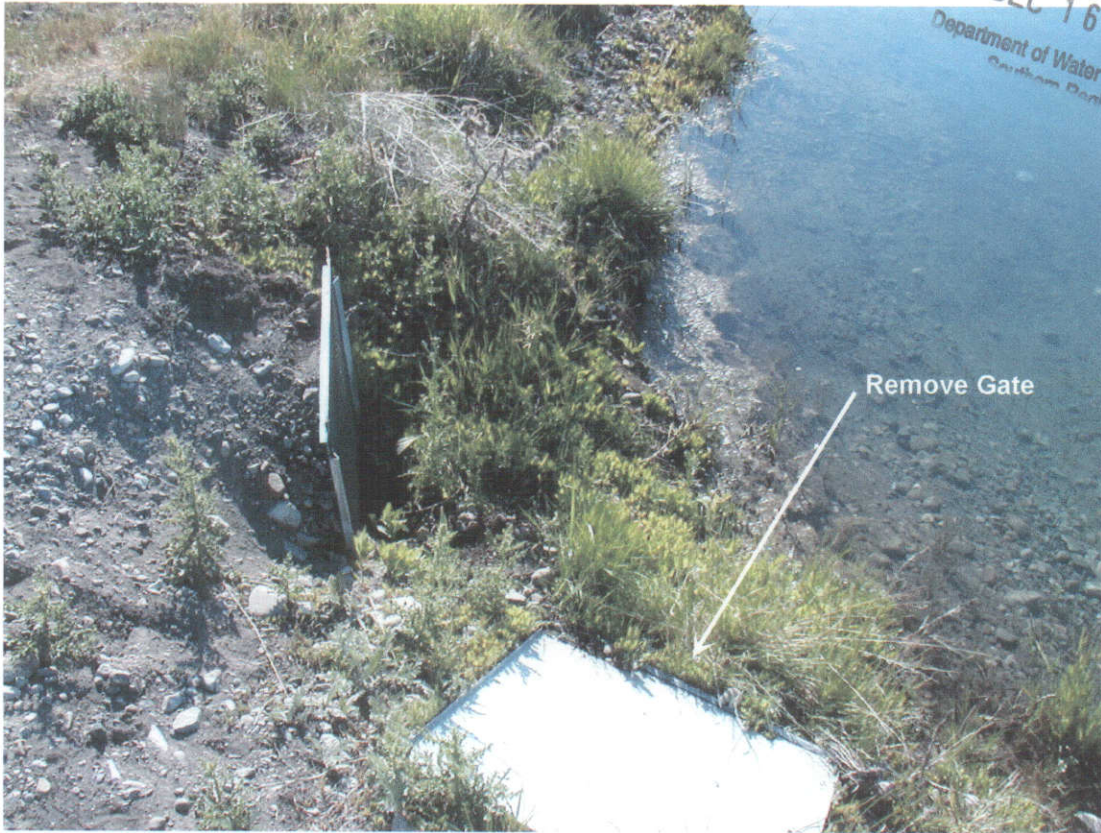
West Pond - Looking Southeast toward drainage swale.



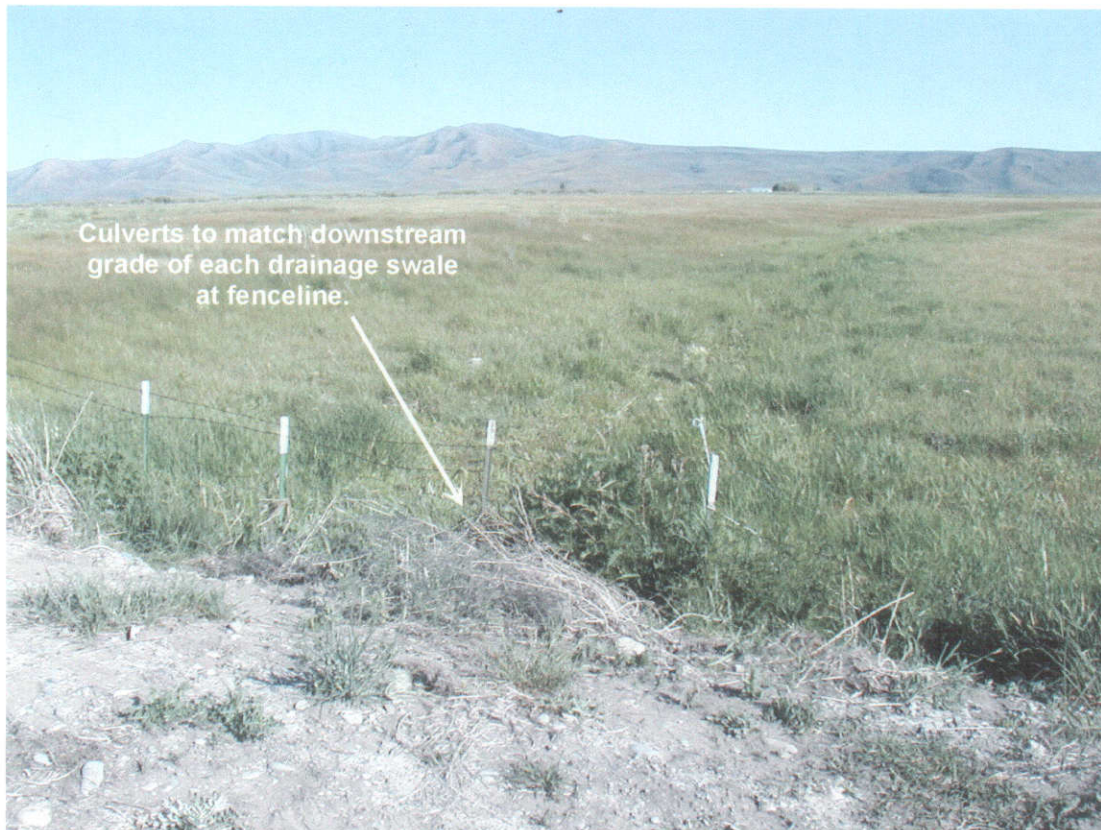
East Pond - Looking East-Southeast toward drainage swale.

Silver Springs Ranch - West Ponds

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Department of Water Resources
Cardinal Point



Culvert Inlet - Screen is in place of slide gate.



Drainage swale looking downstream.



Pond in the SWSE of S08



Pond in the SESE of S08

MICROFILMED
OCT 20 2003

37-20899

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-20899

Priority: December 16, 2002

Maximum Diversion Volume: 7.4 AF

This is to certify, that THOMAS M O GARA FAMILY TRUST
C/O BRIAN BARSOTTI
PO BOX 10013
KETCHUM ID 83340

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31	7.4 AF
WILDLIFE STORAGE	01/01 to 12/31	7.4 AF

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 8, Twp 01S, Rge 19E, B.M., BLAINE County
GROUND WATER	SW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 8, Twp 01S, Rge 19E, B.M., BLAINE County

PLACE OF USE: RECREATION STORAGE

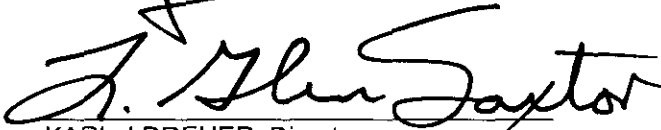
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 19E 8															X	X	

PLACE OF USE: WILDLIFE STORAGE – Same as Recreation Storage

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2004**.
2. Subject to all prior water rights.
3. The right holder shall not construct a berm or dam or otherwise impede the natural overland flow of surface water arising from or associated with the use of water under this right.
4. This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
5. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
6. Wildlife Storage and Recreation Storage are for two excavated ponds that intercept the natural ground water table.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 9th day of July, 2003.


KARL J DREHER, Director

MICROFILMED for

OCT 20 2003

RECEIVED

DEC 16 2002

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESIdent. No. 37-20899

APPLICATION FOR PERMIT RECEIVED

To appropriate the public waters of the State of Idaho

JUN 20 2003

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 Groundwater which is a tributary of -
3. Location of point of diversion is 1/4 of SW 1/4 of SE 1/4 1/4 of SE 1/4, Govt. Lot -
Sec. 8 Township 01S Range 19E B.M. Blaine County; additional
points of diversion, if any: SE 1/4 SW 1/4 Sec 8, T 01S, R 19E (West Pond) **ISR**
4. Water will be used for the following purposes: * STORAGE ONLY
Amount 7.40 AF for Wildlife purposes from 1/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 7.40 AF for Recreation 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)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity being appropriated is (a) N/A and/or (b) 7.40 AF
cubic feet per second acre-feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. None See Attached Narrative
- b. Height of storage dam 0 feet; active reservoir capacity 0 acre-feet; total
reservoir capacity 7.40 acre-feet; period of year when water will be diverted to storage:
1/01 to 12/31 inclusive.
- c. Proposed well diameter is 0 inches; proposed depth of well is -0 feet
- d. Is groundwater with a temperature of greater than 85 degrees being sought? No
- e. If well is already drilled, when? N/A; Drilling firm ;
Well was drilled for (well owner)
7. Time required for completion of works and application of water to proposed beneficial use is 1 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. Wildlife and Recreation. See Attached Narrative

MICROFILMED

JUN 20 2003

9. Description of place of use:

37-20899

- 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	
01S	19E	8												X			W	W	
01S	19E	8												X			R	R	

ISR
ISR

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. None

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

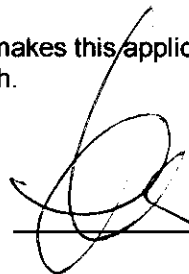
b. Who owns the land to be irrigated or place of use? N/A

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Remarks: See Attached Narrative

13. MAP OF PROPOSED PROJECT ATTACHED X 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.



(Applicant)
MICROFILMED
MAY 12 2003

Received by J.F. Date 12-16-02 Time 12 Preliminary check by J.F.

Fee \$ 100 Receipted by J.F. # 5025378 Date 12-19-02 *

Publication prepared by MB Date 4/30/03 Published in Wood River Journal

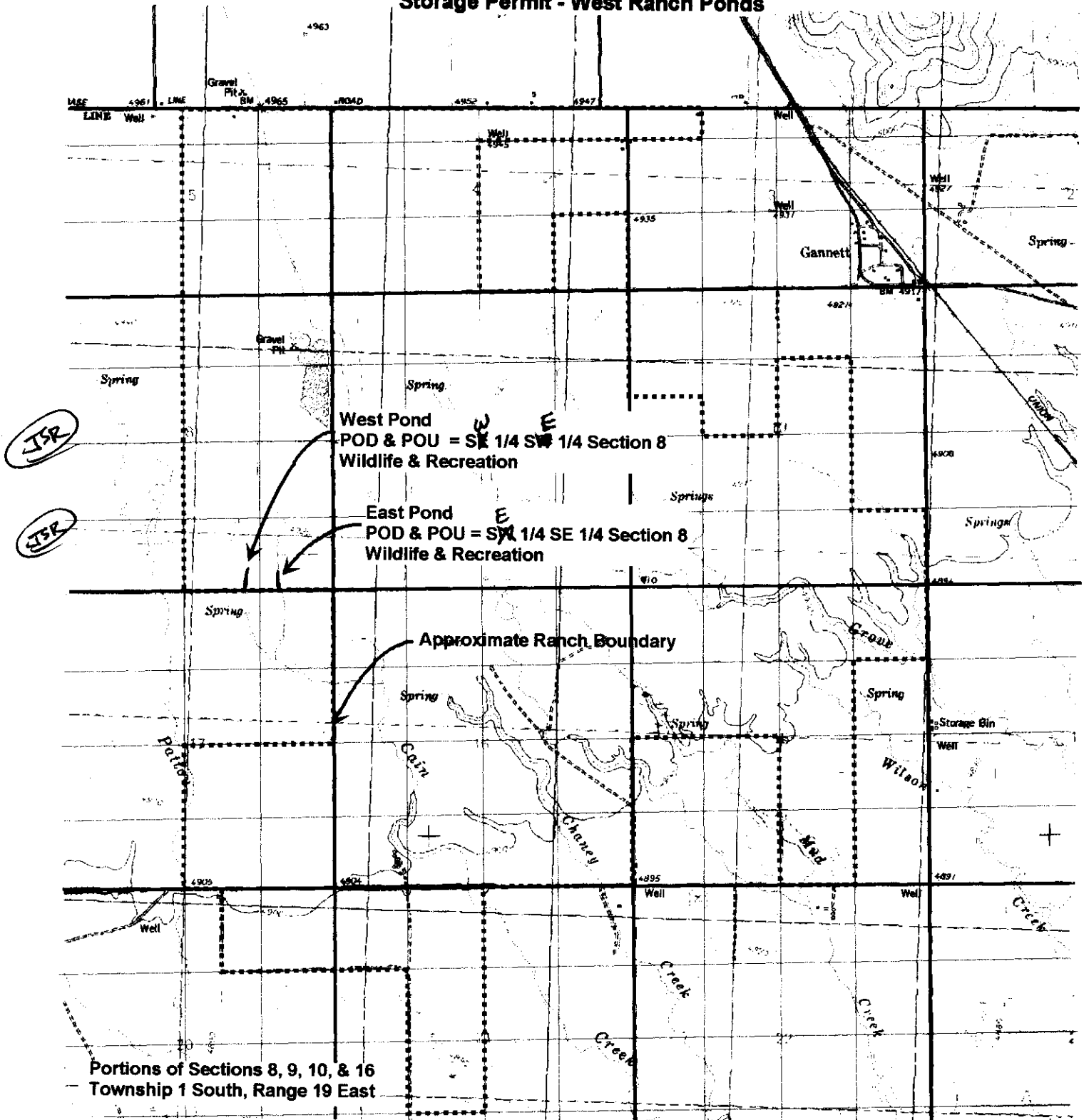
Publication approved MB Date 5/22/03

* Amended on 12-19-02 to correct
POD / POH - J.F.

SILVER SPRINGS RANCH

Storage Permit - West Ranch Ponds

37-20899



Map Source = USGS Quad Maps (Alltopo ver ID2)

Brockway Engineering, PLLC

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DEC 16 2007

Department of Water

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100-10000

**Silver Springs Ranch
West Ranch Ponds – Application for Permit**

Supporting Narrative Description

The following narrative information is in support of the application for permit submitted on behalf of the Thomas M. O'Gara Family Trust. The permit requests a storage right for 7.4 acre feet of water for two small dug ponds located on the applicants property.

The ponds were created in 1998 by excavating low depression areas to intercept the high groundwater table in two historical drainage swales located on the property. One pond is located in the SW ¼ SE ¼ Section 8, and the other pond is located in SE ¼ SW ¼ Section 8, Township 01S Range 19E. The ponds were created by digging material from previously delineated emergent wetland areas and disposing the excavated material in upland areas. The ponds do not have any significant inflow surface source other than runoff from surrounding land during large melt or rainfall events. The only source of water supply to the ponds is groundwater from the surrounding aquifer. As such, the pond levels vary significantly and are not always full.

During construction of the ponds, an embankment was constructed at the end of each pond and a culvert installed to allow flow of water from the pond areas into drainage swales on the adjacent landowners property. In 2002, a complaint was filed by the landowner stating that the construction of the embankments had impaired the flow of water onto their property and reduced their ability to irrigate. Investigation into the matter showed that the culverts had been placed too high and will be lowered to allow the invert of the culvert to match the elevation of the drainage swale. This will prevent impounding water behind the embankment and will prevent any injury against the downstream landowner and water right holder. The culverts will be ungated and contain screens on the culvert inlet. The purpose of the embankment is to provide vehicle access along the fence line bordering the two properties.

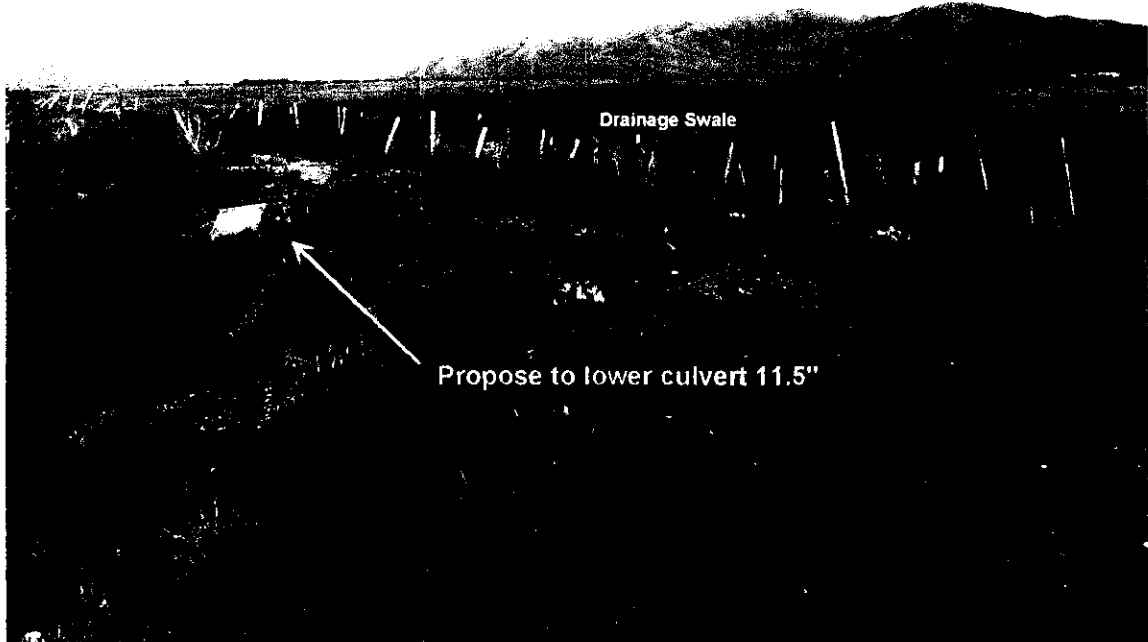
The ponds do not contain any active storage since the culverts will remain ungated at all times. The net surface area of both ponds when full is estimated to be 1.58 acres. The ponds are on average about 6 feet deep and contain average side slopes of about 2:1. Based on this information, the volume of storage under this permit application is 7.40 acre feet. The ponds will only experience this storage volume during periods of high groundwater. It is possible that during periods of drought, the ponds may have little or no water.

Since the ponds were dug in wetland areas, there is no net increase in consumptive use. In previous water right permits and transfers, IDWR has agreed that the exchange rate from wetland to open water is a 1:1 ratio. As such, no mitigation is proposed for the storage permit.

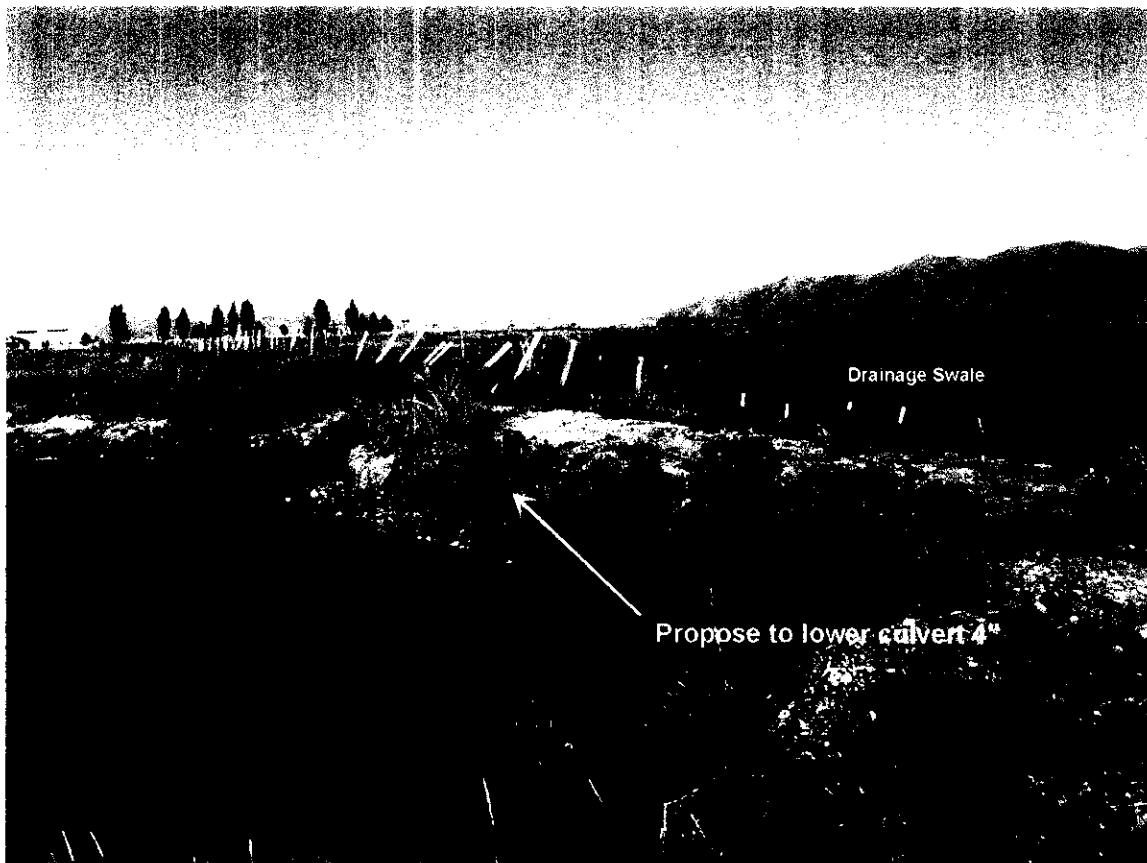
The proposed beneficial use of the water in the ponds is for wildlife and recreation. The ponds will support migratory waterfowl and provide recreation benefit to the applicant. The applicant has experimented with stocking the West Pond with hatchery fish in the past. Screens on the outlet culverts prevent hatchery fish from leaving the pond. No irrigation water rights or uses are proposed for this portion of the ranch. No diversion from storage for irrigation will occur from these ponds under this permit.

Silver Springs Ranch - West Ponds

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Department of Water Resources
Southern District



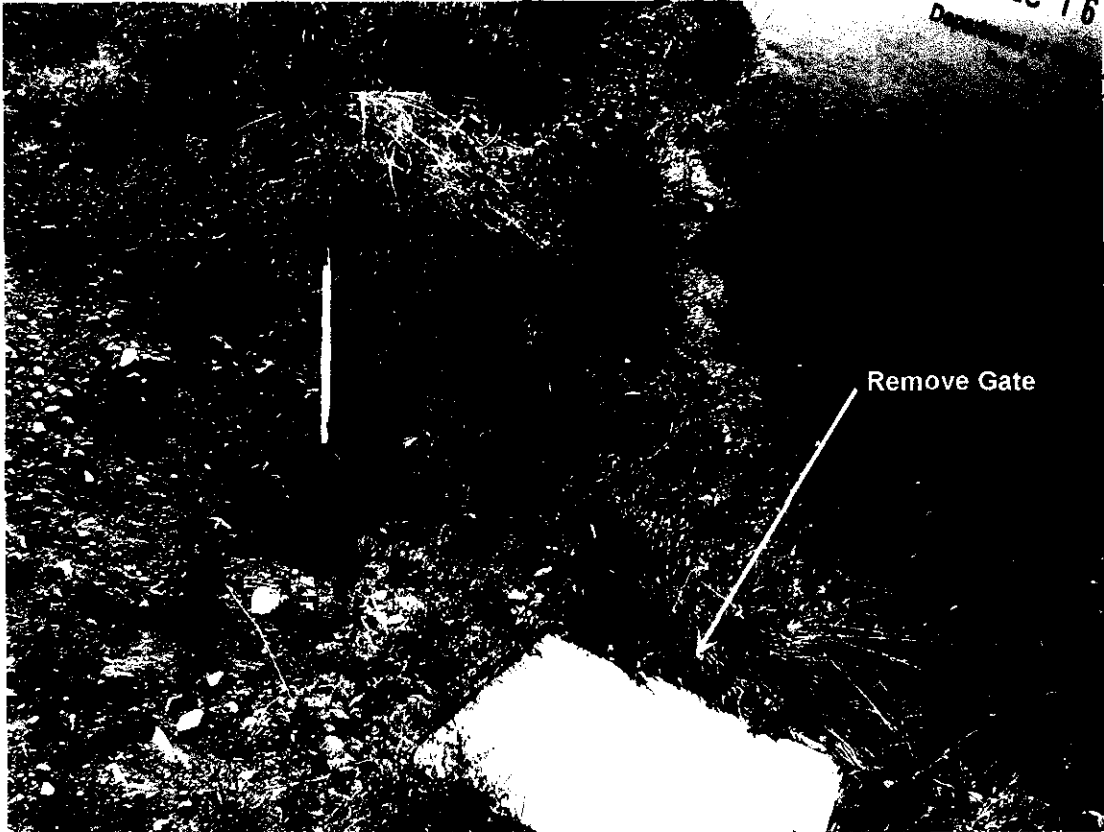
West Pond - Looking Southeast toward drainage swale.



East Pond - Looking East-Southeast toward drainage swale.

Silver Springs Ranch - West Ponds

RECEIVED
DEC 16 2002
Department of Resources



Culvert Inlet - Screen is in place of slide gate.



Drainage swale looking downstream.

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENTS:

I, Thomas M. O'Gara - Silver Springs Ranch, hereby nominate and appoint
Jeffrey S. Rau As my attorney-in-fact with full authority to act for and
on my behalf to undertake any and all acts or matters pertaining to water right transfers before The
Idaho Department of Water Resources for the following water right(s) 37-00355, 37-00682
37-00683, 37-00684, 37-00577, 37-00113, 37-00803, 37-02476, 37-07569, 37-02581, 37-02599
37-02604, 37-02616, 37-07758, 37-04133
in Blaine County, Idaho. Additionally, I hereby ratify and confirm any
and all such acts on matters as contemplated herein.

My agent is hereby authorizing to sign, seal and deliver, as my act in deed, those said
instruments of writing that may be necessary or proper to carry into execution and effect the
applications, and transfers above-mentioned. Further, I hereby declare that each and every
application, transfer, agreement, receipt, or payment which shall be by my said agent given,
made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had
been signed, sealed, and delivered by me in my on proper person; and I hereby undertake at all
times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning
the said premises by virtue of these presents. This Limited Power of Attorney will become void
upon approval, denial or withdrawal of the above referenced applications.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal

Dated this 22nd day of March 2001.

[Signature]
Signature

State of Idaho)
County of Blaine) ss.

On this 22 Day of March, 2001, before me, a Notary Public in and
for said County and State, personally appeared TOM O'GARA, known
or identified to me to be the individual whose name and subscription to the within instrument, and
acknowledged to me that he executed the same.

IN WHITNESS WHEREOF, I have hereunto set my hand and affixed my official seal
the day and year in the certificate first above written.

S
E
A
L



[Signature]
Notary Public
In and for said State and County

7/13/2007
My Commission Expires

37-20899

PARCEL: RP 01S190081190 A

F9=MS

F17=DD

F23=AG

LEGAL DESCRIPTION

O'GARA, THOMAS M TRUSTEE
THOMAS M O'GARA FAMILY TRUSTW1/2SE,S1/2SESE, SEC 8
1S 19E

PO BOX 1097

CODE AREA 12700

OWNER CODE

PARC TYPE AL

LOC CODE 1700

BELLEVUE ID 83313

EFFDATE 2011996

EXPDATE

PREV PARCEL

RP01S190081190A

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
3	2001	100000	AC	10000				

TOTALS

100000

10000

ENTER NEXT PARCEL NUMBER RP _____ A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU

MICROFILMED

MAY 20 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 10, 2003

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

RE: Permit No. 37-20899

Permit Approval Notice

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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

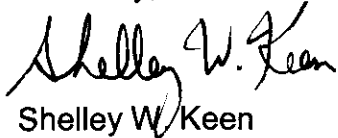
MICROFILMED

JUL 26 2003

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 208-327-7946.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive style with a large, stylized 'S' and 'K'.

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

MICROFILMED

OCT 10 1987

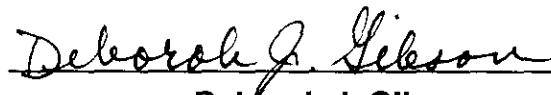
CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2003 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.

37-20899

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


**Deborah J. Gibson
Administrative Assistant**

**MICROFILMED
JUL 16 2003**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(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. 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.

MEMORANDUM

Date: July 09, 2003
To: Water Right File 37-20899
From: kwalker
Re: Use

This permit is being processed since the storage of water in the ponds is not more consumptive than before development. The ponds are not evaporating any more water than prior to this issuance since they are located in a wetland area.

MICROFILMED
JUL 17 2007

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS
Reviewed by Kay Walker on 7-3-03

No. 37-20899 Name: O'Hara Corp. Officers _____ Ad ok ☒ Govt Lots _____

AREA OF CONCERN: No ☒ ESRP Moratorium BWR GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT N/A
All wells - 046
Basin 34 - 084 (if necessary)
WMD - North/East/West
≤0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) ~~-065-104~~
Supp irr (+ other uses) ~~-100-105~~
≤0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo ~~-058~~ (<85 GW)
Mitigation - 121

Trust ~~-051~~ (consumptive uses)
Non-Trust ~~-048~~ (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - ~~18C~~ 01H-01P-18B-NA
IRR ≤5 ac ~~-R66/R67/R68/R69~~ (0.03 cfs/ac)
> 5 ac ~~-R62/R63/R64/R65~~ (0.02 cfs/ac)
STOCKWATER ~~-R37~~ (BLM/FS)-111 (instream stock)
MINING ~~-034-106~~
HEAT/COOL ~~-R07~~ (injection well)
FIRE PROT ~~-077~~
COMMERCIAL/
INDUSTRIAL ~~-106-R07~~
DAIRY ~~-082~~ WD8
POWER ~~-17H~~ or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

BENEFICIAL USE DUE: 7, 01, 2004

MISC CONDITIONS/REMARKS:

Protested - ~~0~~ - 020-W19
Development Period
> 1 yr ~~-26A~~
Ownership - 004
Non-consumptive -027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE
WD - R05 (WD# _____)
≤0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WD

≤0.24 cfs/5 acres - No MD
>0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - X23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
(03) - 120
Payette R (65) - X23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
Future needs - 007,109, X64
FISH PROP - 029 (70's only)-007-122-106
DOMESTIC
Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
>1 in restricted area - 070-071-075(no parks/common areas)
Irr separate or none allowed - WB5
GW w/irrigation from SW evident - 065-104
Moratorium approvable - X03 (2500 gpd – meets domestic def
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example – S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON _____ - _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS 123

COMMENTS _____

FILE PROGRESS SUMMARY

APPLICANT: Thomas O'Sara Family Trust WATER RIGHT NO. 37-20899

INIT.	DATE	COMMENT
MB	12/20/02	Stuffed to John Freitag
JF	4/23/03	To M.B. for advertising
MB	4/30/03	Adv. sch WJ 5/7 & 5/14/03, 5/27/03 ltr. to legal counsel for app.
MB	5/22/03	Pub. aff. rec. (5/19/03)
MB	5/29/03	To ADM for signoff
AD-	6/19/03	Review & Recommendation
AD	6/19/03	To MD to forward.

FORM NO.202A
REVISED 10/29/02

Ronan O'Hara Family Trust

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

RECEIVED

JUN 20 2003

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY J.F. DATE 4-2-03

APPLICATION NO. 37-20899

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.
☒ County
☒ Quantity (flow &/or volume)
☒ Period of use
☒ Nature of proposed use (include description of use)
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ___ No* In form to receipt

++++PROPOSED PRIORITY DATE 12-16 19 20 02

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back.
☒ Overlapping point of diversion.
☒ Yes ___ No Field check required
Field check by J.F.
☒ Yes ___ No Field report attached
☒ Yes ___ No Critical Ground water area
☒ Yes ___ No Groundwater management area
☒ Yes ___ No Send Dam safety information
☒ Yes ___ No Send power requirement letter
☒ Yes ___ No Send fish farm requirement letter
☒ Yes ___ No Power residency affidavit.
☒ Yes ___ No Power efficiency form
☒ Yes ___ No Within trustwater boundary(If yes, attach trustwater supplementary analysis sheet.
☒ Yes ___ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.
☒ See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Date Requested _____, 20____

PROCESSING ___ Yes ___ No In form for Advertising
___ Yes ___ No No Statewide Advertising
___ Yes ___ No Fee amount, receipt date & No. recorded on app.

SEND COPIES TO: ___ Idaho Dept of Health & Welfare ___ USDI BLM
___ Idaho Dept of Fish & Game ___ USFS
___ Idaho Dept of Lands ___ Water Dist.
___ Adjudication Bureau Unit ___ Other _____

*all view
done*

POD IO# 588823
58874

SDE

POU ID#

678767 SDE
678768 ✓

FINAL REGIONAL PROCESSING REVIEW

☐ Yes ☐ No Affidavit of publication received.
☐ Yes ☐ No Application published correctly. If not, record action taken.

☐ Yes ☐ No Publication dates and paper, recorded on App.
☐ Yes ☐ No Protests received
Final date for protest _____
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on app.
☐ Yes ☐ No Recommendations attached
☐ Yes ☐ No Measuring device required
☐ Yes ☐ No Access port required
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what dist. _____
☐ Yes ☐ No Special conditions of approval or cover letter below.

See below for additional information:

Date of priority recommended 12/16 1920 2022
By AM Date 6/19 2020

STATE OFFICE REVIEW

Date _____, 20____

ADDITIONAL INFORMATION:

LOCAL PUBLIC INTEREST

Comments received from:

☐ City ☐ Idaho Fish & Game ☐ Irrigation Dist.
☐ County ☐ Idaho Health & welfare ☐ Canal Company
☐ Reservations ☐ Div. of Environmental Quality
☐ Other _____

PROJECT IMPACTS/IMPLICATIONS REPORT

COMMENTS:

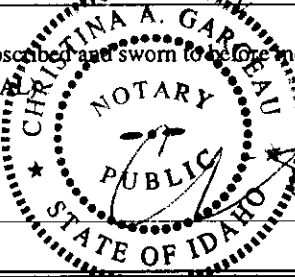
DATE _____, 20____

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

RECEIVED
MAY 19 2003
Department of Water Resources
Southern Region

On this 14 day of May, in the year 2003, 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 7 day of May, 2003, and the date of the last publication was on the 14 day of May, 2003

Subscribed and sworn to before me this 15 day of May, 2003
(SEAL)  _____
NOTARY PUBLIC

11936
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 78
Number of Insertions 2
____ Lines tabular at _____ 7¢ / Pica
78 Lines straight at 143 6¢ / Pica
____ Subsequent lines at _____ 5¢ / Pica
TOTAL COST \$116.54

COPY OF NOTICE (Paste Here)

Applications for
TITLE OF NOTICE
Water Permit
PLAINTIFF ATTORNEY

DEFENDANT
24600

PLAINTIFF
Idaho Dept of Water Resources
BILL TO

Applications for Water Permit

NOTICE OF APPLICATIONS FOR WATER PERMIT

The following applications have been filed to appropriate the public waters of the State of Idaho, Blaine County:

37-20899
THOMAS M. O'GARA FAMILY TRUST
C/O BRIAN BARSOTTI
PO BOX 10013
KETCHUM ID 83340
Points of Diversion & Place Of Use: SESE & SWSE, S8 T01S R19E
Source: GROUND WATER
Use: 01/01 To 12/31
WILDLIFE (7.4 AFA)
RECREATION (7.4 AFA)
Total Diversion: 7.4 AFA
Date Filed: 12/16/2002
Remark: Application is for two ponds excavated in low depressions on applicants land. Location is 2.5 miles west and 0.5 mile south of Gannett, Idaho.

37-20923
GGA LIMITED LIABILITY COMPANY
C/O JAMES P. SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340
Points of Diversion: NESESE & SESESE, S7 T01N R19E
Source: GROUND WATER

Use: 01/01 To 12/31 Domestic (0.15 CFS)
Date Filed: 04/22/2003
Place of use: S1/2, S7 and NWSW, SWSW, SESW S8; T01N R19E
Remark: Application is for expansion of a domestic water system for 5 additional lots and 10 additional households in Phases 2 and 3 of Griffin Ranch P.U.D.

Subdivision located approximately 2.0 to 2.5 miles south and 1.25 to 1.75 miles east of Bellevue, east of the Gannett Highway. The application proposes utilizing two existing wells to supply water for the households in Phases 2 and 3 of Griffin Ranch P.U.D. Subdivision. Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the proposed applications must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before May 27, 2003. (Each application requires a separate protest). The protestant must also send a copy of the protest to the applicant.
Karl J. Dreher, Director

Publish: Wood River Journal--May 7 & 14, 2003.

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

Phone: 736-3033

Fax#: 736-3037

April 30, 2003

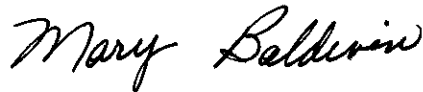
ATTN: Scott Kraus-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Dear Scott:

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

MICROFILMED

OCT 20 2003

NOTICE OF APPLICATIONS FOR WATER PERMIT

The following applications have been filed to appropriate the public waters of the State of Idaho, Blaine County:

✓

37-20899

THOMAS M. O'GARA FAMILY TRUST

C/O BRIAN BARSOTTI

PO BOX 10013

KETCHUM ID 83340

Points of Diversion & Place Of Use: SESE & SWSE, S8 T01S R19E

Source: GROUND WATER

Use: 01/01 To 12/31

WILDLIFE (7.4 AFA)

RECREATION (7.4 AFA)

Total Diversion: 7.4 AFA

Date Filed: 12/16/2002

Remark: Application is for two ponds excavated in low depressions on applicants land. Location is 2.5 miles west and 0.5 mile south of Gannett, Idaho.

37-20923

GGA LIMITED LIABILITY COMPANY

C/O JAMES P. SPECK

SPECK & AANESTAD

PO BOX 987

KETCHUM ID 83340

Points of Diversion: NESESE & SESESE, S7 T01N R19E

Source: GROUND WATER

Use: 01/01 To 12/31 Domestic (0.15 CFS)

Date Filed: 04/22/2003

Place of use: S½, S7 and NWSW, SWSW, SESW S8; T01N R19E

Remark: Application is for expansion of a domestic water system for 5 additional lots and 10 additional households in Phases 2 and 3 of Griffin Ranch P.U.D. Subdivision located approximately 2.0 to 2.5 miles south and 1.25 to 1.75 miles east of Bellevue, east of the Gannett Highway. The application proposes utilizing two existing wells to supply water for the households in Phases 2 and 3 of Griffin Ranch P.U.D. Subdivision.

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Karl J. Dreher, Director

Published in the Wood River Journal on 5/7 & 5/14/03.

MICROFILMED

OCT 20 2003



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

April 30, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BRIAN BARSOTTI
PO BOX 10013
KETCHUM ID 83340

RE: Application for Permit No. 37-20899

Dear Mr. Barsotti:

The Department of Water Resources acknowledges receipt of the water right application on behalf of the Thomas M. O'Gara Family Trust. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared for publication in the **Wood River Journal** on 5/7 & 5/14/03. Submittal of protests to the application will be allowed for a period ending ten days after the second publication. (**May 27, 2003**)

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

If an application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

Mary A. Baldwin
Administrative Assistant I

MICROFILMED

APR 28 2003

MEMO

.....

FROM: Jim Stanton

DATE: 5-22-03

TO: File

SUBJECT: App for Permit 37-20899, Thomas O'Gara Family Trust

Dean Rogers called yesterday inquiring about this application. He stated that he farmed land about a mile or so downstream from these ponds, and that he was familiar with them. He was concerned that a well would be drilled, as the source is listed as groundwater, but I explained to him that the source was actually water that would seep into the ponds due to the high water table in the area. Based on the quad map, it appears that a spring tributary to Caine Creek actually feeds the east pond. Anyway, he does not plan to protest the application unless Mr. O'Gara tries to drill a well to supply the ponds. I told Rogers that I would put a memo in the file detailing our conversation.

MICROFILMED

2003 11 20

37-20899

Legal notice
Jfreitag
4-2-03

Application is for two ponds excavated in low depressions on applicants land.

Location is 2.5 miles west and 0.5 mile south of Gannett, Idaho.

MICROFILMED

OCT 20 2003

MICROFILMED

Review notes
Jfreitag
4-2-03

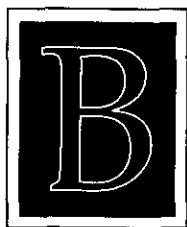
Ponds are dug in low spots of a wetland area. Both ponds intercept the high groundwater table. U.S.G.S. Quad shows springs at the head of each pond, however applicant states that the springs no longer produce any flow. Ponds fill by intercepting groundwater and from runoff. There are culverts in embankments on the outlet of each pond to be relocated to the elevation of the natural swale. The culverts will be left open.

Storage capacity of both ponds is estimated at 7.4 acre feet. Total surface area of both ponds is estimated at 1.58 acres.

Processing of this application through the moratorium is allowed since the ponds are in a delineated emergent wetland. The evaporative loss from a wetland is assumed equal to open surface water.

MICROFILMED

OCT 20 2003
OCT 20 2003



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

December 16, 2002

Idaho Department of Water Resources
Southern Region
Attn: John Frietag
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RECEIVED
DEC 16 2002
Department of Water Resources
Southern Region

Re: Tom O'Gara Property
Proposal to Lower Culverts & Cain Creek Pond Areas

Dear John:

This letter is in response to your concerns about two dug ponds located in the South ½ of the SE ¼ Section 8, Township 01 South, Range 19 East. The ponds are located on land owned by Mr. Tom O'Gara known as the Silver Springs Ranch. As you are aware, the ponds were constructed in 1998 by removing material from low areas which contained natural high groundwater. The material was removed with mechanical equipment and transported immediately to upland areas on the ranch.

Of concern to IDWR and the adjacent landowner is the construction of two embankments on the outlet side of the dug ponds. Based on our discussion with the land owner, the area has historically had a field road along the fence line in question and historically had some form of an embankment or high area in those areas for drive access. Also, according to the contractor who dug the ponds, they apparently replaced existing old culverts in these areas which would also indicate that embankments existed prior to the most recent construction. Unfortunately, we do not have any earlier aerial photos which confirm or deny these claims.

The adjacent landowner has filed a complaint with your office indicating that the new embankments have blocked downstream flow, preventing them from irrigating their property. As part of our evaluation, we completed a field survey of the culvert and embankment areas and found that the culverts are above the natural flow line elevation of the drainage swale on the adjacent property. Based on our survey, the culvert is approximately 11.5" high on the East Pond and approximately 4" high on the West Pond.

The ponds in question are not supplied with any surface irrigation water or any other outside water source other than the natural water table elevation. As such, the ponds fluctuate with the water table and commonly operate well below the culvert invert elevation. I agree that it is possible for the ponds to potentially affect the downstream water right user if the water table is at or above the natural ground surface elevation of the drainage swale and it is prevented from flowing down the swale by an embankment or higher culvert. However, once the natural ground water table elevation drops below the level

MICROFILMED

DEC 16 2002

37-20899

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

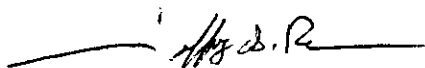
of the drainage swale, there is not a possibility of injury because it would be impossible for the water to actually flow onto the adjacent property, embankment or not. To alleviate any potential for impact to the adjacent neighbor's water rights, our client will lower each culvert the specified amount to make the invert of each culvert at the elevation of the drainage swale. Furthermore, to prevent any possibility of raising the pond elevations above the culvert elevations, the culverts will contain screens and be ungated. In this condition, the ponds will not be allowed to "store" water above that historically done prior to excavation of the pond areas.

Included with this letter is an application for permit for 7.40 acre feet of storage for the two ponds. It is our opinion and belief that the ponds do not require a storage right since they technically do not "store" any water which can be discharged or released from the ponds. Furthermore, since no irrigation activities are associated with these ponds, they do not provide "storage" for any pump station or other irrigation device. However, based on our discussions, it appears that IDWR will require a storage right for these ponds. No mitigation for the ponds are proposed since the ponds were dug in previously delineated wetland areas which were historically evaporating or transpiring. IDWR has agreed in the past that the net consumptive use for emergent wetland and open water is essentially the same. Since no net loss in consumptive use is predicted, no mitigation is proposed for the permit application.

Upon acceptance by IDWR, our client will lower the West Culvert 4" and the East Culvert 11.5" to match the grade of the drainage swale. Furthermore, our client will also remove any slide gates from the culverts and maintain them as open culverts at all times to prevent the possibility of storage behind the embankments. As proposed, the embankments will remain essentially as constructed to allow vehicle access along the fence line.

Please review the enclosed permit application and the information as proposed in this letter. If you would like to discuss this matter further, please don't hesitate to contact our office. Thank you and have a great day.

Sincerely,


Jeffrey S. Rau, P.E.

Attachment: Photo pages - East & West Pond
Application for Permit & Supporting Documentation

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

MICROFILMED
MAY 11 2003

37-20899

Pre-exam for 37-20899 for Thomas O'Gara Family Trust
Located in T01S, R19E, S08



Pond in the SWSE of S08



Pond in the SESE of S08

REFILMED
2 0 2003

37-20899