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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69165

This is to certify that: EDWARD F O'GARA FAMILY TRUST
 415 CROYDON DR
 SPRING CREEK NV 89815
 (208)788-9828

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

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
37-4J	AJC/Decreed	03/24/1883	0.65 cfs	24.5 af	7.0	7.0	BIG WOOD RIVER

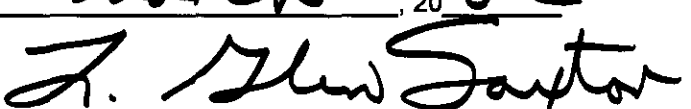
Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-4J	YES	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-4J	37-20402	0.28 cfs	10.5 af	3.0	3.0	37-20401	0.37 cfs	14 af	4.0	4.0
TOTALS		0.28 cfs	10.5 af		3		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 29th day of March, 2002

 Chief, Water Allocation Bureau

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APR 03 2002

WATER RIGHT NO. 37-20401
As Modified by Transfer No. 69165

In accordance with the approval of Transfer No. 69165, Water Right No. 37-20401 is now described as follows.

Right Holder: ELMAR GRABHER And
 RIGMOR GRABHER
 PO BOX 507
 SUN VALLEY ID 83353

Priority Date: 03/24/1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	0.37 CFS	14.0 AF
			0.37 CFS	14.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SWNW Sec. 20 Twp 03N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
02N	18E	4																	2.0	2.0
02N	18E	9	.6	1.4																2.0

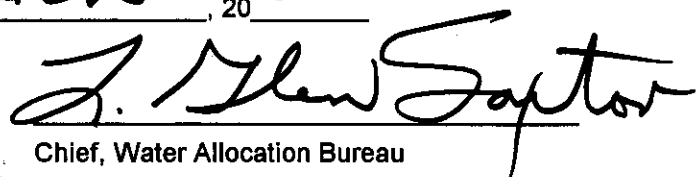
Total Acres: 4

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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

Dated this 29th day of March, 2002


 Chief, Water Allocation Bureau

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APR 03 2002

WATER RIGHT NO. 37-20402
As Modified by Transfer No. 69165

In accordance with the approval of Transfer No. 69165, Water Right No. 37-20402 is now described as follows.

Right Holder: EDWARD F O'GARA FAMILY TRUST
 415 CROYDON DR
 SPRING CREEK NV 89815

Priority Date: 03/24/1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION *	04/15	10/31	0.28 CFS	10.5 AF
			0.28 CFS	10.5 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SWNW Sec. 20 Twp 03N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	5			3.0														3.0
					L2														

Total Acres: 3

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. If in the future this right is transferred back to irrigation purposes, when combined with all other rights this right shall provide no more than 3.5 afa per acre at the field headgate for each acre of irrigation.
4. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- *6. This right serves as mitigation for use of ground water for irrigation purposes under Permit 37-20400. The right holder shall retain ownership of Right 37-20402 and 0.06 cfs of that right shall be released by the watermaster of Water District 37 into the Hiawatha Canal and shall remain undiverted from the canal to prevent injury to canal users; the remainder of the right (0.22 cfs) shall remain undiverted in the Big Wood River.

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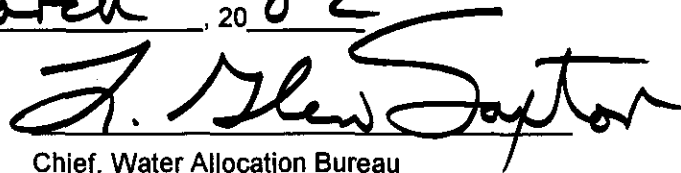
WATER RIGHT NO. 37-20402
As Modified by Transfer No. 69165

CONDITIONS OF APPROVAL

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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

Dated this 29th day of March, 2002


Chief, Water Allocation Bureau

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APR 03 2002

MEMORANDUM

TO: FILE 37-20102
FROM: VAULT
RE: TRANSFER # 69165
DATE: 4.1.02

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**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 37-00004J

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SEP 03 2002