

RECEIVED

JUL 29 2010

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase No.: 37-20635
	)	Uncontested Overlapping Right
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

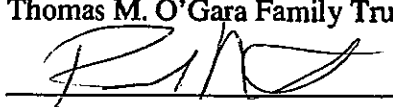
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

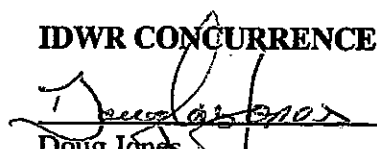
Thomas M. O'Gara Family Trust


Paul L. Arrington

7/27/10
Date

Attorney for Thomas M. O'Gara Family Trust

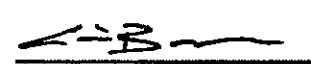
IDWR CONCURRENCE:


Doug Jones

Date

Engineer, Technical 1

IDWR CONCURRENCE:


Christopher M. Bromley

7/27/10
Date

Deputy Attorney General

Attorney for IDWR

07/20/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-20635

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 8.880 CFS
2,419.50 AFY

PRIORITY DATE: 03/08/1977

POINT OF
DIVERSION:

T01S R19E S4 SWNW Lot 4 Within BLAINE County
T01S R19E S4 NWNWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

8.880 CFS
2,419.50 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T01S R19E S03 Lot 4 SWNW	14.00	T01S R19E S04 Lot 2 SWNE	16.00
T01S R19E S04 Lot 1 SENE	15.00	T01S R19E S04 Lot 4 SWNW	18.00
T01S R19E S04 Lot 3 SENW	17.00	T01S R19E S04	NESW 40.00
T01S R19E S04	NWSW 40.00	T01S R19E S04	SWSW 38.00
T01S R19E S04	SESW 40.00	T01S R19E S04	SESE 40.00
T01S R19E S09	NENE 40.00	T01S R19E S09	NWNE 40.00
T01S R19E S09	SWNE 40.00	T01S R19E S09	SENE 40.00
T01S R19E S09	NENW 40.00	T01S R19E S09	NWNW 40.00
T01S R19E S09	SWNW 34.00	T01S R19E S09	SENW 40.00
T01S R19E S09	NESW 39.00	T01S R19E S09	NWSW 39.00
T01S R19E S09	SWSW 40.00	T01S R19E S09	SESW 40.00
T01S R19E S09	NESE 29.00	T01S R19E S09	NWSE 34.00
T01S R19E S09	SWSE 36.00	T01S R19E S09	SESE 14.00
T01S R19E S16	NWNW 22.00		

885 ACRES TOTAL

Use of the rights listed below is limited to the irrigation of a combined total of 885 acres in a single irrigation season. Combined right nos. 37-20635, 37-20637, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, and 37-20651.

This right is limited to the irrigation of 806.5 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

CERTIFICATE OF SERVICE

I certify that on July 27, 2010, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☒ Overnight Mail
☒ Regular Mail
☒ Hand-Delivered
☐ Facsimile

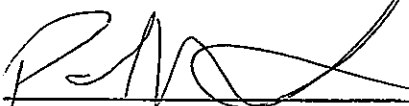
2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Paul L. Arrington
Barker, Rosholt, & Simpson LLP
P.O. Box 485
Twin Falls, ID 83303

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form