

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.: 37-20644
	)	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:

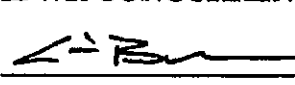
Thomas M. O'Gara Family Trust

 7/27/10
 Paul L. Arrington Date
 Attorney for Thomas M. O'Gara Family Trust

IDWR CONCURRENCE:

 7/27/10
 Doug Jones Date
 Engineer, Technical 1

IDWR CONCURRENCE:

 7/27/10
 Christopher M. Bromley Date
 Deputy Attorney General
 Attorney for IDWR

07/20/2010

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

RIGHT NUMBER: 37-20644

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

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.020 CFS
3.00 AFY

Rights 37-20638, 37-20640, 37-20642, and 37-20644 when combined shall not exceed a total annual maximum diversion volume of 7.3 af at the field headgate.

~~Water authorized for wildlife storage under Transfer 69756 in the amount of 81.0 af shall be used to mitigate for evaporation losses associated with wildlife storage ponds authorized under rights 37-20653 and 37-20654.~~

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T02N R18E S36 NESWNW Lot 3 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	04/15 10/31	0.020 CFS
WILDLIFE STORAGE	01/01 12/31	3.00 AFY

PLACE OF USE: WILDLIFE STORAGE in BLAINE County

T01S R19E S08	NENE	T01S R19E S08	SENE
T01S R19E S09	NESW	T01S R19E S09	NESE
T01S R19E S09	NWSE	T01S R19E S09	SWSE
T01S R19E S09	SESE	T01S R19E S10	NESW
T01S R19E S10	NWSW	T01S R19E S10	SWSW
T01S R19E S15	NENW	T01S R19E S15	NWNW

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.

Water authorized for wildlife storage under Transfer 69756 in the amount of 81.0 af shall be used to mitigate for evaporation losses associated with wildlife storage ponds authorized under rights 37-20653 and 37-20654.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

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(s).

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

~~The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.~~

CS
Df
PWA

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

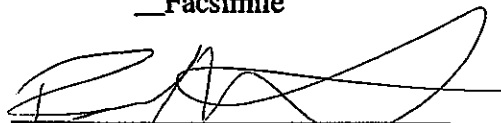
2. Copies to:

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