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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

Case No. 39576

) Subcase No.: 37-20645

) Uncontested Overlapping Right

) STANDARD FORM 5

) STIPULATED ELEMENTS OF A
) WATER RIGHT

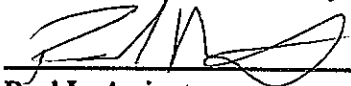
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

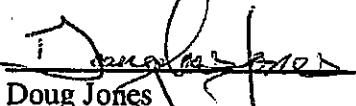
 7/27/10

Paul L. Arrington

Date

Attorney for Thomas M. O'Gara Family Trust

IDWR CONCURRENCE:

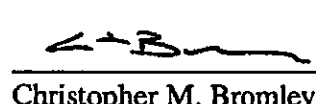
 7/27/10

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: 37-20645

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: 5.400 CFS

PRIORITY DATE: 05/17/1883

POINT OF
DIVERSION:

T01N R18E S12 NWSESW Within BLAINE County
T01N R18E S25 NWSESW Rediversion Within BLAINE County
This right is measured and administered at the point of rediversion.

PURPOSE AND
PERIOD OF USE:

	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04/01 11/01	5.400 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	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

This right is limited to the irrigation of 308.7 acres within the place of use described above in a single irrigation season.

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.

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 - Decreed

Use of this right is combined with water from Base Line Canal Co.

PLA
CB
21

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