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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.: 37-20649

) Uncontested Overlapping Right

) STANDARD FORM 5

) STIPULATED ELEMENTS OF A  
) WATER RIGHT

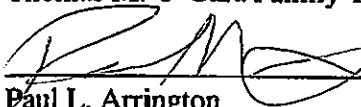
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

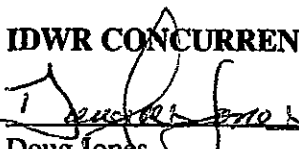
Thomas M. O'Gara Family Trust

  
Paul L. Arrington

7/27/10  
Date

Attorney for Thomas M. O'Gara Family Trust

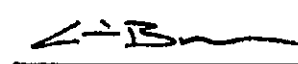
**IDWR CONCURRENCE:**

  
Doug Jones

7/27/10  
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: 37-20649

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: 4.340 CFS

PRIORITY DATE: 06/20/1884

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:

| <u>PURPOSE OF USE</u>                            | <u>PERIOD OF USE</u> | <u>QUANTITY</u>                |
|--------------------------------------------------|----------------------|--------------------------------|
| IRRIGATION                                       | 04/15 10/31          | 4.340 CFS                      |
| <u>PLACE OF USE: 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

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 270.1 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 - Decreed

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

PA  
CB  
J

## 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

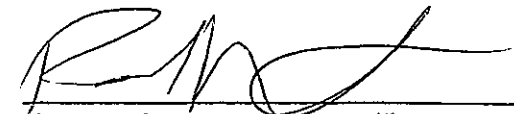
2. Copies to:

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