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MAY 06 2011

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAY - 5 2011	
By _____	Clerk Deputy Clerk

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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATIONS; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS: 37-20637 and
	)	37-20638
_____	)	

I. FINDINGS OF FACT

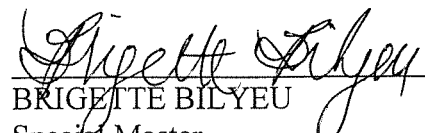
A notice of claim was filed for each of the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of each of these water rights.

An *Objection* to each right was filed by Thomas M. O'Gara on September 5, 2007. The *Objections* were resolved on July 28, 2010, with the filing of a *Standard Form 5* for each right. All parties to the subcases and IDWR are signatories to each *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore, based on the files and records herein, IT IS RECOMMENDED that the above-captioned water rights be **decreed** with the elements set forth in the attached *Special Master's Recommendations for Partial Decree*.

DATED: May 5, 2011.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY - 5 2011

By _____ Clerk
Deputy Clerk

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-20637

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

SOURCE: GROUND WATER

QUANTITY: 1.58 CFS
238.30 AFY

The rights listed below are limited to a total combined annual
diversion volume of 287 af. Combined Right Nos.: 37-20637 and
37-20639.

PRIORITY DATE: 02/12/1947

POINT OF DIVERSION: T01S R19E S04 NWNWSW Within Blaine County
LOT 4 (SWNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-01 TO 11-01	1.58 CFS
			238.30 AFY

PLACE OF USE:	Irrigation	Within Blaine County
T01S R19E S03 LOT 4	(SWNW)14.0	
S04 LOT 2	(SWNE)16.0	LOT 1 (SENE)15.0
LOT 4	(SWNW)18.0	LOT 3 (SENW)17.0
	NESW 40.0	NWSW 40.0
	SWSW 38.0	SESW 40.0
	SESE 40.0	
S09	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 34.0	SENW 40.0
	NESW 39.0	NWSW 39.0
	SWSW 40.0	SESW 40.0
	NESE 29.0	NWSE 34.0
	SWSE 36.0	SESE 14.0
S16	NWNW 22.0	
885.0 Acres Total		

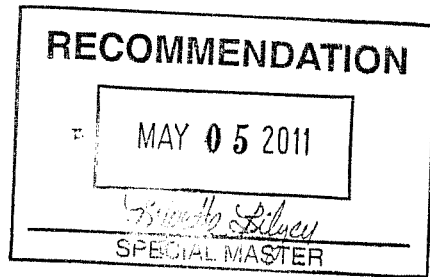
The rights listed below are limited to the irrigation of a
combined total of 79.1 acres in a single irrigation season.
Combined Right Nos.: 37-20637 and 37-20639.
Use of the rights listed below is limited to the irrigation of a
combined total of 885 acres in a single irrigation season.
Combined Right 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-20638

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho MAY - 5 2011 By _____ Clerk Deputy Clerk

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

SOURCE: GROUND WATER.

QUANTITY: 0.06 CFS
7.30 APY

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

PRIORITY DATE: 02/12/1947

POINT OF DIVERSION: T01S R19E S04 NWNWSW Within Blaine County
LOT 4 (SWNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Wildlife Storage	01-01 TO 12-31	7.30 APY
	Diversion to Storage	04-04 TO 11-01	0.06 CFS

PLACE OF USE:	Wildlife Storage		Within Blaine County
	T01S R19S S08	NENE	SENE
	S09	NESW	NESE
		NWSE	SWSE
		SESE	
	S10	NESW	NWSW
		SWSW	
	S15	NENW	NWNW

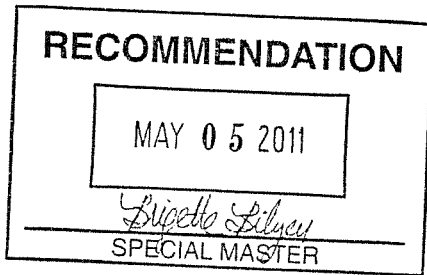
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



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Fifth Judicial District
County of Twin Falls - State of Idaho

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

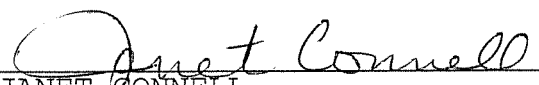
Water Right(s) : 37-20637
37-20638

On May 05, 2011, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED May 05, 2011.


JANET CONNELL
Deputy Clerk

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MAY - 5 2011	
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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

CERTIFICATE OF MAILING

Water Right(s) : 37-20637
37-20638

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on May 05, 2011, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

THOMAS M O GARA
THOMAS M O GARA FAMILY TRUST
Represented by:
PAUL L ARRINGTON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
05/05/11