

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-02616

Date Received: 10/18/1988

Receipt No: S003040

Received By: *OWNER CHANGE*

~~COPY FOR
YOUR FILES~~

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

~~COPY FOR
YOUR FILES~~

1. Name: THOMAS O GARA FAMILY TRUST
Address: 222 WEST 4TH ST
FT WORTH TX 76102

2. Date of Priority: JUN 3, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	19E	16	SW	SW	NW		BLAINE

5. Description of diverting works:
ARTESIAN WELL, DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.980		

7. Total Quantity Appropriated is:
2.980 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 1925.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	19E	16	NE	NW		IRR	33.0
			NW	NW		IRR	20.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01S	19E	16	NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	25.0
			SW		SE		IRR	39.0
			SE		SE		IRR	38.0
							Section Acres	395.0
		17	NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	160.0
		20	NE		NE		IRR	35.0
			NW		NE		IRR	20.0
							Section Acres	55.0
		21	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
							Section Acres	160.0
							Total Acres	770.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A37-07758, A37-02599, A37-02604, A37-02581.

14. Remarks:

08/10/99, CHANGED OWNERSHIP: CHEMS TO THOMAS O GARA FAMILY TRUST
AS PER 1409(6), WARRANTY DEED AND TITLE INS. REC'D 06/24/98. C.T.

15. Basis of Claim: LICENSE

Water Right Number: 27973

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page. JUN 24

Incomplete forms will be returned.

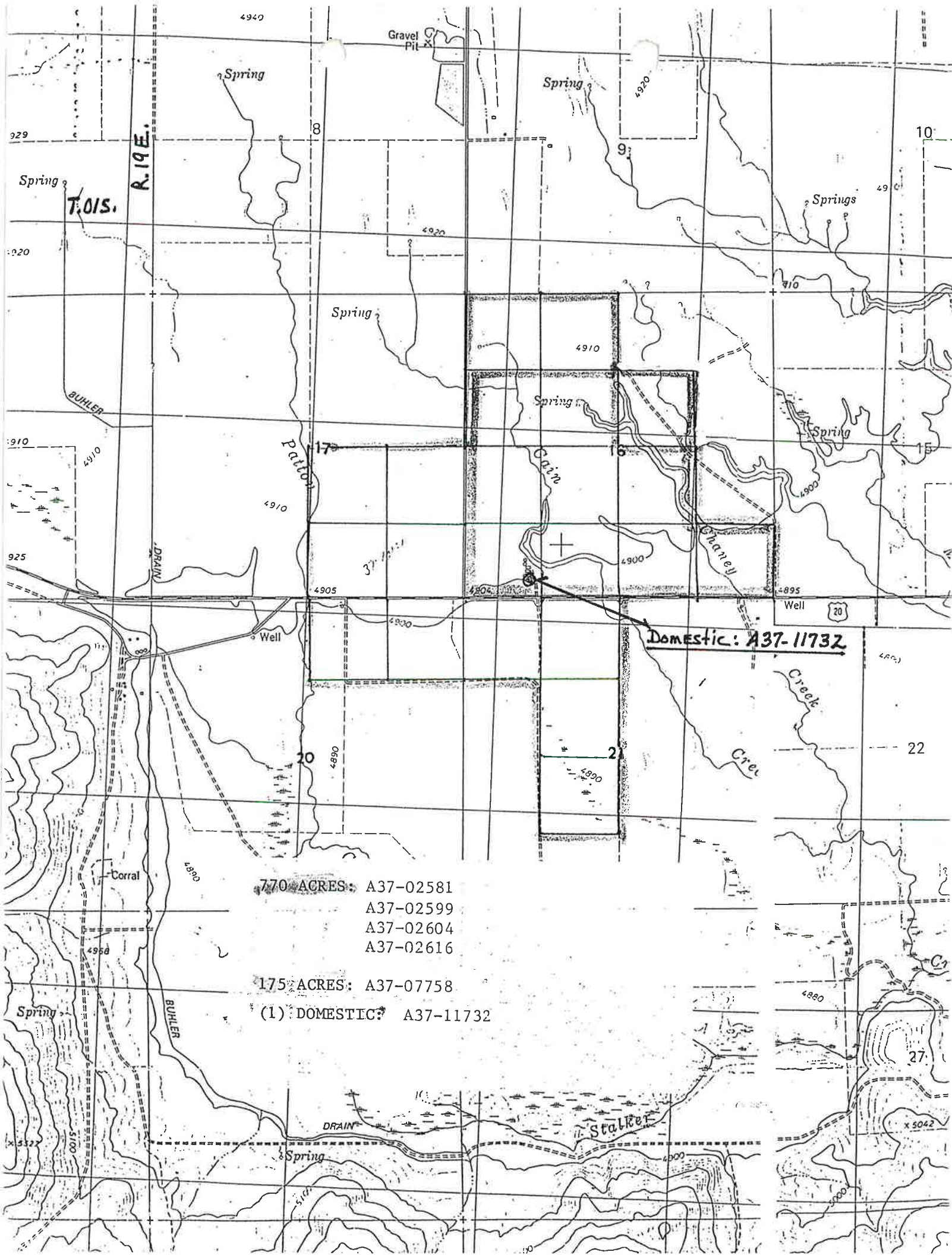
Department of Water Resources
Southern Region

JUN 24 1998

1. Water Right Number(s) _____
Adjudication Claim Number(s) A37-02581; A37-02599; A37-02604; A37-02616; A37-07758; A37-11732
2. The following **REQUIRED** information must be submitted with this form.
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND * MAP
- B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) CHEMS
PO BOX 237
GOODING ID 83330
4. New Owner/Claimant(s) THOMAS O'GARA FAMILY TRUST, THOMAS O'GARA TRUSTEE
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address WEST 4TH STREET
City, State and ZIP Code FORT WORTH TX 76102
New Telephone Number () -
5. Date you acquired the property MARCH 24, 1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres actually irrigated _____ Number and type of stock _____
- Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Tom McGee Trustee of the Date 6/18/97
Tom McGee Trust Date _____
- (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

100-11173-1212a. b. c. d. e. f. g. h. i. j. k. l. m. n. o. p. q. r. s. t. u. v. w. x. y. z. aa. ab. ac. ad. ae. af. ag. ah. ai. aj. ak. al. am. an. ao. ap. aq. ar. as. at. au. av. aw. ax. ay. az. ba. bb. bc. bd. be. bf. bg. bh. bi. bj. bk. bl. bm. bn. bo. bp. bq. br. bs. bt. bu. bv. bw. bx. by. bz. ca. cb. cc. cd. ce. cf. cg. ch. ci. cj. ck. cl. cm. cn. co. cp. cq. cr. cs. ct. cu. cv. cw. cx. cy. cz. da. db. dc. dd. de. df. dg. dh. di. dj. dk. dl. dm. dn. do. dp. dq. dr. ds. dt. du. dv. dw. dx. dy. dz. ea. eb. ec. ed. ee. ef. eg. eh. ei. ej. ek. el. em. en. eo. ep. eq. er. es. et. eu. ev. ew. ex. ey. ez. fa. fb. fc. fd. fe. ff. fg. fh. fi. fj. fk. fl. fm. fn. fo. fp. fq. fr. fs. ft. fu. fv. fw. fx. fy. fz. ga. gb. gc. gd. ge. gf. gg. gh. gi. gj. gk. gl. gm. gn. go. gp. gq. gr. gs. gt. gu. gv. gw. gx. gy. gz. ha. hb. hc. hd. he. hf. hg. hh. hi. hj. hk. hl. hm. hn. ho. hp. hq. hr. hs. ht. hu. hv. hw. hx. hy. hz. ia. ib. ic. id. ie. if. ig. ih. ii. ij. ik. il. im. in. io. ip. iq. ir. is. it. iu. iv. iw. ix. iy. iz. ja. jb. jc. jd. je. jf. jg. jh. ji. jj. jk. jl. jm. jn. jo. jp. jq. jr. js. jt. ju. jv. jw. jx. jy. jz. ka. kb. kc. kd. ke. kf. kg. kh. ki. kj. kk. kl. km. kn. ko. kp. kq. kr. ks. kt. ku. kv. kw. kx. ky. kz. la. lb. lc. ld. le. lf. lg. lh. li. lj. lk. ll. lm. ln. lo. lp. lq. lr. ls. lt. lu. lv. lw. lx. ly. lz. ma. mb. mc. md. me. mf. mg. mh. mi. mj. mk. ml. mm. mn. mo. mp. mq. mr. ms. mt. mu. mv. mw. mx. my. mz. na. nb. nc. nd. ne. nf. ng. nh. ni. nj. nk. nl. nm. no. np. nq. nr. ns. nt. nu. nv. nw. nx. ny. nz. oa. ob. oc. od. oe. of. og. oh. oi. oj. ok. ol. om. on. oo. op. oq. or. os. ot. ou. ov. ow. ox. oy. oz. pa. pb. pc. pd. pe. pf. pg. ph. pi. pj. pk. pl. pm. pn. po. pp. pq. pr. ps. pt. pu. pv. pw. px. py. pz. qa. qb. qc. qd. qe. qf. qg. qh. qi. qj. qk. ql. qm. qn. qo. qp. qq. qr. qs. qt. qu. qv. qw. qx. qy. qz. ra. rb. rc. rd. re. rf. rg. rh. ri. rj. rk. rl. rm. rn. ro. rp. rq. rr. rs. rt. ru. rv. rw. rx. ry. rz. sa. sb. sc. sd. se. sf. sg. sh. si. sj. sk. sl. sm. sn. so. sp. sq. sr. ss. st. su. sv. sw. sx. sy. sz. ta. tb. tc. td. te. tf. tg. th. ti. tj. tk. tl. tm. tn. to. tp. tq. tr. ts. tt. tu. tv. tw. tx. ty. tz. ua. ub. uc. ud. ue. uf. ug. uh. ui. uj. uk. ul. um. un. uo. up. uq. ur. us. ut. uu. uv. uw. ux. uy. uz. va. vb. vc. vd. ve. vf. vg. vh. vi. vj. vk. vl. vm. vn. vo. vp. vq. vr. vs. vt. vu. vv. vw. vx. vy. vz. wa. wb. wc. wd. we. wf. wg. wh. wi. wj. wk. wl. wm. wn. wo. wp. wq. wr. ws. wt. wu. wv. ww. wx. wy. wz. xa. xb. xc. xd. xe. xf. xg. xh. xi. xj. xk. xl. xm. xn. xo. xp. xq. xr. xs. xt. xu. xv. xw. xx. xy. xz. ya. yb. yc. yd. ye. yf. yg. yh. yi. yj. yk. yl. ym. yn. yo. yp. yq. yr. ys. yt. yu. yv. yw. yx. yy. yz. za. zb. zc. zd. ze. zf. zg. zh. zi. zj. zk. zl. zm. zn. zo. zp. zq. zr. zs. zt. zu. zv. zw. zx. zy. zz.

o/c 6/24/48 cf 1DX



#.23686
AR02WARRANTY DEED

COPY

For value received, CS&B,LLP, an Idaho limited liability partnership (the Grantor), does hereby grant, bargain, sell and convey unto the **THOMAS O'GARA FAMILY TRUST**, Thomas O'Gara Trustee, 222 West 4th Street, Fort Worth, Texas 76102, the Grantee, the real property known as the Bickett Ranch, located at 18154 State Highway 20, in Blaine County, Idaho, and described on Exhibit A hereto (the "Premises"),

TO HAVE AND TO HOLD said Premises with their appurtenances unto the said Grantee and its assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that Grantor, the owner, is in fee simple of said Premises, that said Premises are free from all encumbrances thereon, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Grantor's covenants and warranties are subject to Schedule 1 hereto.

Dated: May 31, 1998

CS&B,LLP, an Idaho limited liability partnership

Carol Diane Herrmann
Carol Diane Herrmann, partnerHarvey Myron Bickett
Harvey Myron Bickett, partnerElizabeth Jane Bickett
Elizabeth Jane Bickett, partner

414850

Deed

BLAINE CO. REQUEST

OF: **SAWTOOTH TITLE**

'98 JUN 1 PM 2 32

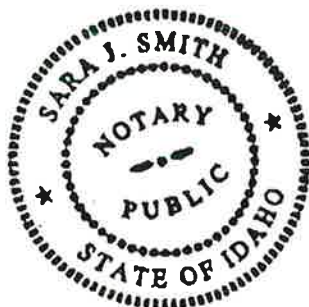
MARY GREEN, CLERK *ms*

FEES \$ 30.00

STATE OF IDAHO)
County of Ada) ss.

On this 24 day of March, 1998, before me, Sara J. Smith, a notary public for said State, personally appeared Carol Diane Herrmann, known or identified to me to be a partner of CS&B, LLP, the limited liability partnership that executed the instrument or the person who executed the instrument on behalf of said limited liability partnership, and acknowledged to me that such limited liability partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Sara J. Smith
Notary Public
Residing at: Baise Id
My Commission Expires: 11-1-2002

STATE OF IDAHO)
County of Ada) ss.

On this 19th day of March, 1998, before me, Connie J. Dart, a notary public for said State, personally appeared Elizabeth Jane Bickett, known or identified to me to be a partner of CS&B, LLP, the limited liability partnership that executed the instrument or the person who executed the instrument on behalf of said limited liability partnership, and acknowledged to me that such limited liability partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

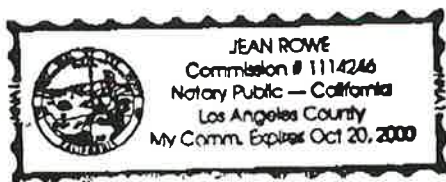


Connie J. Dart
Notary Public
Residing at: Baise Idaho
My Commission Expires: 6-24-98

STATE OF California)
) ss.
County of Los Angeles)

On this 26 day of March, 1998, before me, Jean Rowe,
a notary public for said State, personally appeared Harvey Myron Bickett, known or
identified to me to be a partner of CS&B, LLP, the limited liability partnership that
executed the instrument or the person who executed the instrument on behalf of said
limited liability partnership, and acknowledged to me that such limited liability
partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year in this certificate first above written.



Jean Rowe
Notary Public 12701 De Foe Ave
Residing at: Sylmar CA 91342
My Commission Expires: 10/20/00

Boisc:0088368.01

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest corner of said Section 16; thence
N. 89° 27' 32" E., 664.32 feet along the North boundary of said Section 16 to the
Northwest Corner of the E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 16 and the TRUE POINT OF
BEGINNING; thence
N. 89° 27' 32" E., 664.32 feet to the Northeast corner of the E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said
Section 16; thence
S. 00° 06' 47" E., 1303.01 feet to the Southeast corner of the E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said
Section 16; thence
S. 89° 33' 07" W., 666.17 feet to the Southwest corner of the E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said
Section 16; thence
N. 00° 01' 52" W., 1301.95 feet to the TRUE POINT OF BEGINNING. (Tax Lot 260)

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest corner of said Section 16; thence
N. 89° 27' 32" E., 1328.64 feet along the North boundary of said Section 16 to the
Northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 16 and the TRUE POINT OF
BEGINNING; thence
N. 89° 27' 32" E., 163.14 feet along the North boundary of said Section 16; thence
S. 32° 21' 46" E., 1535.35 feet along a fence to the South boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$
of said Section 16; thence
S. 89° 33' 07" W., 982.43 feet to the Southeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said
Section 16; thence
N. 00° 06' 47" W., 1303.01 feet to the TRUE POINT OF BEGINNING. (Tax Lot 2835)

AND

CONTINUED



TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest corner of said Section 16; thence S. 00° 03' 03" W., 2601.77 feet to a 5/8 inch diameter rebar marking the West 1/4 corner of said Section 16; thence N. 89° 38' 40" E., 1336.05 feet to the Southwest corner of the SE 1/4 NW 1/4 of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 00° 06' 47" W., 1303.01 feet to the Northwest corner of the SE 1/4 NW 1/4 of said Section 16; thence N. 89° 33' 07" E., 982.43 feet along the North boundary of the SE 1/4 NW 1/4 of said Section 16 to a fence; thence S. 32° 21' 46" E., 649.03 feet along a fence; thence S. 00° 32' 44" E., 491.73 feet along a fence; thence S. 30° 44' 03" E., 5.57 feet along a fence to the east boundary of the SE 1/4 NW 1/4 of said Section 16; thence S. 00° 16' 34" E., 257.69 feet to the Southeast corner of the SE 1/4 NW 1/4 of said Section 16; thence S. 89° 38' 40" W., 1336.05 feet to the TRUE POINT OF BEGINNING. (Tax Lot 2837)

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest corner of said Section 16; thence S. 00° 03' 03" W., 2601.77 feet to a 5/8 inch diameter rebar marking the West 1/4 corner of said Section 16; thence N. 89° 38' 40" E., 2672.09 feet to the Southwest corner of the SW 1/4 NE 1/4 of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 00° 16' 34" W., 257.69 feet along the West boundary of the SW 1/4 NE 1/4 of said Section 16 to a fence; thence S. 30° 44' 03" E., 286.46 feet along a fence; thence S. 33° 17' 23" E., 12.58 feet along a fence to the South boundary of the SW 1/4 NE 1/4 of said Section 16; thence S. 89° 38' 40" W., 152.06 feet to the TRUE POINT OF BEGINNING. (Tax Lot 2838)

AND

CONTINUED

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest Corner of said Section 16; thence S. 00° 03' 03" W., 2601.77 feet to a 5/8 inch diameter rebar marking the West ¼ corner of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 00° 03' 03" E., 1300.89 feet to the Northwest corner of the SW¼NW¼ of said Section 16; thence N. 89° 33' 07" E., 1332.34 feet to the Northeast corner of the SW¼NW¼ of said Section 16; thence S. 00° 06' 47" E., 1303.01 feet to the Southeast corner of the SW¼NW¼ of said Section 16; thence S. 89° 38' 40" W., 1338.05 feet to the TRUE POINT OF BEGINNING.

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest Corner of said Section 16; thence S. 00° 03' 03" W., 2601.77 feet to a 5/8 inch diameter rebar marking the West ¼ corner of said Section 16; thence N. 89° 38' 40" E., 2672.09 feet to the Northwest corner of the NW¼SE¼ of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 89° 38' 40" E., 152.06 feet along the North boundary of the NW¼SE¼ of said Section 16 to a fence; thence S. 33° 17' 23" E., 24.93 feet along a fence; thence S. 52° 51' 23" E., 980.12 feet along a fence; thence S. 02° 58' 57" W., 391.78 feet along a fence; thence S. 44° 13' 05" E., 437.64 feet along a fence to the South boundary of the NW¼SE¼ of said Section 16; thence S. 89° 37' 38" W., 1225.48 feet to the Southwest corner of the NW¼SE¼ of said Section 16; thence N. 00° 16' 34" W., 1324.59 feet to the TRUE POINT OF BEGINNING. (Tax Lot 2840)

AND

CONTINUED

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest Corner of said Section 16; thence S. 00° 03' 03" W., 2601.77 feet to a 5/8 Inch diameter rebar marking the West 1/4 corner of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 89° 38' 40" E., 2672.09 feet to the Northeast corner of the N 1/2 SW 1/4 of said Section 16; thence S. 00° 16' 34" E., 1324.59 feet to the Southeast corner of the N 1/2 SW 1/4 of said Section 16; thence S. 89° 35' 27" W., 2677.86 feet to the Southwest corner of the N 1/2 SW 1/4 of said Section 16; thence N. 00° 01' 40" W., 1327.11 feet along the West boundary of said Section 16 to the TRUE POINT OF BEGINNING.

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest Corner of said Section 16; thence S. 00° 03' 03" W., 2601.77 feet to a 5/8 Inch diameter rebar marking the West 1/4 corner of said Section 16; thence S. 00° 01' 40" E., 1327.11 feet to the Northwest corner of the S 1/2 SW 1/4 of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 89° 35' 27" E., 2677.86 feet to the Northeast corner of the S 1/2 SW 1/4 of said Section 16; thence N. 89° 37' 38" E., 2671.92 feet to the Northeast corner of the S 1/2 SE 1/4 of said Section 16; thence S. 00° 34' 24" E., 1245.18 feet along the East boundary of said Section 16 to the North boundary of Highway 20 as depicted on pages 23, 24 & 25 of the Idaho State Department of Transportation plans for Project No. S-2809(13) dated 1/4/74; thence along the North boundary of said Highway 20 the following 10 courses; thence S. 89° 50' 25" W., 353.27 feet; thence N. 87° 17' 50" W., 200.25 feet; thence S. 89° 50' 25" W., 100.00 feet; thence S. 86° 58' 40" W., 200.25 feet; thence S. 89° 50' 25" W., 564.49 feet; thence S. 89° 28' 48" W., 1335.83 feet; thence N. 87° 39' 27" W., 200.25 feet; thence S. 89° 28' 48" W., 100.00 feet; thence S. 86° 37' 03" W., 200.25 feet; thence S. 89° 28' 48" W., 2108.09 feet to the West boundary of said Section 16; thence N. 00° 01' 40" W., 1248.36 feet along the West boundary of said Section 16 to the TRUE POINT OF BEGINNING. (Tax Lot 4175)

AND
CONTINUED

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 17: A parcel of land within said Section 17, more particularly described as follows:

COMMENCING at brass cap marking the Southeast corner of said Section 17; thence N. 00° 01' 40" W., 2654.22 feet to a 5/8 inch diameter rebar marking the East ¼ corner of said Section 17 and the TRUE POINT OF BEGINNING; thence S. 00° 01' 40" E., 2575.47 feet along the East boundary of the SE¼ of said Section 17 to the North boundary of Highway 20 as depicted on pages 22 & 23 of the Idaho State Department of Transportation plans for Project No. S-2809(13) dated 1/4/74; thence S. 89° 28' 48" W., 2393.39 feet along the North boundary of said Highway 20; thence N. 87° 39' 27" W., 200.25 feet along the North boundary of said Highway 20; thence S. 89° 28' 48" W., 70.88 feet along the North boundary of said Highway 20 to the West boundary of said SE¼ of Section 17; thence N. 00° 03' 03" E., 74.46 feet along the West boundary of said SE¼ of said Section 17 to the Southwest corner of a 20 foot square parcel described in a deed recorded in Book 171 of Deeds at page 285 and under Instrument No. 111785, records of Blaine County, Idaho; thence S. 89° 56' 57" E., 20.00 feet to the Southeast corner of said 20 foot square parcel; thence N. 00° 03' 03" E., 20.00 feet to the Northeast corner of said 20 foot square parcel; thence N. 89° 56' 57" W., 20.00 feet to the Northwest corner of said 20 foot square parcel and the West boundary of said SE¼ of Section 17; thence N. 00° 03' 03" E., 2461.03 feet to the Northwest corner of said SE¼ of said Section 17; thence N. 89° 15' 53" E., 2660.97 feet to the TRUE POINT OF BEGINNING. (Tax Lot 4173)

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 20: A parcel of land within said Section 20, more particularly described as follows:

COMMENCING at brass cap marking the North ¼ corner of said Section 20; thence N. 89° 25' 19" E., 2664.51 feet to a brass cap marking the Northeast corner of said Section 20; thence S. 00° 23' 24" E., 21.25 feet along the East boundary of said Section 20 to the South boundary of Highway 20 as depicted on page 22 & 23 of the Idaho State Department of Transportation plans for Project No. S-2809(13) dated 1/4/74 and the TRUE POINT OF BEGINNING; thence S. 00° 23' 24" E., 1304.47 feet to the Southeast corner of the NE¼NE¼ of said Section 20; thence S. 89° 22' 49" W., 2001.20 feet to the Southwest corner of the E¼NW¼NE¼ of said Section 20; thence N. 00° 16' 06" W., 1307.97 feet along the East boundary of the E¼NW¼NE¼ of said Section 20 to the South boundary of said Highway 20; thence N. 89° 28' 48" E., 1998.42 feet along the South boundary of said Highway 20 to the TRUE POINT OF BEGINNING. (Tax Lot 4174)

CONTINUED

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 21: A parcel of land within said Section 21, more particularly described as follows:

COMMENCING at brass cap marking the Northwest corner of said Section 21; thence N. 89° 32' 15" E., 2683.62 feet to a brass cap marking the North ¼ corner of said Section 21; thence S. 00° 17' 18" E., 18.56 feet along the East boundary of the NW¼ of said Section 21 to the South boundary of Highway 20 as depicted on pages 23 & 24 of the Idaho State Department of Transportation plans for Project No. S-2809(13) dated 1/4/74 and the TRUE POINT OF BEGINNING; thence S. 00° 17' 18" E., 3962.43 feet to the Southeast corner of the NE¼SW¼ of said Section 21; thence S. 89° 37' 08" W., 1338.28 feet to the Southwest corner of the NE¼SW¼ of said Section 21; thence N. 00° 20' 21" W., 2651.64 feet to the Northwest corner of the SE¼NW¼ of said Section 21; thence S. 89° 36' 39" W., 1340.63 feet to the Southwest corner of the N¼NW¼ of said Section 21; thence N. 00° 23' 24" W., 1304.47 feet along the West boundary of said Section 21 to the south boundary of said Highway 20; thence N. 89° 28' 48" E., 2108.81 feet along the South boundary of said Highway 20; thence N. 87° 39' 27" E., 200.25 feet along the South boundary of said Highway 20; thence N. 89° 28' 48" E., 100.00 feet along the South boundary of said Highway 20; thence N. 86° 37' 03" E., 200.25 feet along the South boundary of said Highway 20; thence N. 89° 28' 48" E., 74.78 feet along the south boundary of said Highway 20 to the TRUE POINT OF BEGINNING. (Tax Lot 4176)

SCHEDULE 1
TO WARRANTY DEED
dated May 31, 1998

CS&B, LLP (Grantor)
Thomas O'Gara Family Trust (Grantee)

The Grantor's covenants and warranties concerning all water rights conveyed appurtenant to the Premises are subject to the final outcome of all proceedings in and the provisions, terms and conditions of the Decree to be entered in *In Re: The General Adjudication of Rights to the Use of Water from the Snake River Basin Water System*, Twin Falls District Court Case No. 39576.

Grantor's covenants and warranties are further subject to the following

1. Unpatented mining claims; reservations or exceptions in patents and state deeds or in acts authorizing the issuance thereto
2. Power Line Easement in favor of Idaho Power Company, a corporation, recorded September 27, 1957, in Book 171 of Deeds, page 139. (Blanket Easement)
3. Power Line Easement in favor of Idaho Power Company, a corporation, recorded October 15, 1962, in Book 176 of Deeds, page 462. (Blanket Easement)
4. Restrictions contained in that certain Warranty Deed, by and between Harvey Bickett and Lucile Bickett, husband and wife, grantors and the State of Idaho, by and through the Idaho Board of Highway Directors, grantee, recorded November 7, 1960, as Instrument No. 134079.
5. Terms and Conditions contained in that certain Order of Annexation into the Carey Rural Fire Protection District, executed by Blaine County Board of Commissioners, recorded July 27, 1993, as Instrument No. 355071.
6. The rights of the public over any portion of said land known as Price Lane.

BOISE:0090361.01

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy

SCHEDULE A

Order No.	23686	Policy No.	J 866935
Amount of Insurance	\$1,850,000.00	Premium	\$4,465.00
Date of Policy	June 1, 1998 at 2:33 p.m.		

1. Name of Insured:

THE THOMAS O'GARA FAMILY TRUST

2. The estate or interest in the land which is covered by this policy is:

Fee Simple

3. Title to the estate or interest in the land is vested in:

THOMAS O'GARA, TRUSTEE OF THE THOMAS O'GARA FAMILY TRUST

4. The land referred to in this policy is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy

ORDER NO. 23686
LEGAL DESCRIPTION

EXHIBIT "A"

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest corner of said Section 16; thence N. 89° 27' 32" E., 664.32 feet along the North boundary of said Section 16 to the Northwest Corner of the E½NW¼NW¼ of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 89° 27' 32" E., 664.32 feet to the Northeast corner of the E½NW¼NW¼ of said Section 16; thence S. 00° 06' 47" E., 1303.01 feet to the Southeast corner of the E½NW¼NW¼ of said Section 16; thence S. 89° 33' 07" W., 666.17 feet to the Southwest corner of the E½NW¼NW¼ of said Section 16; thence N. 00° 01' 52" W., 1301.95 feet to the TRUE POINT OF BEGINNING. (Tax Lot 260)

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest corner of said Section 16; thence N. 89° 27' 32" E., 1328.64 feet along the North boundary of said Section 16 to the Northwest corner of the NE¼NW¼ of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 89° 27' 32" E., 163.14 feet along the North boundary of said Section 16; thence S. 32° 21' 46" E., 1535.35 feet along a fence to the South boundary of the NE¼NW¼ of said Section 16; thence S. 89° 33' 07" W., 982.43 feet to the Southeast corner of the NE¼NW¼ of said Section 16; thence N. 00° 06' 47" W., 1303.01 feet to the TRUE POINT OF BEGINNING. (Tax Lot 2835)

AND

CONTINUED

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy

ORDER NO. 23686
LEGAL DESCRIPTION - CONTINUED

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest corner of said Section 16; thence
S. 00° 03' 03" W., 2601.77 feet to a 5/8 inch diameter rebar marking the West ¼
corner of said Section 16; thence
N. 89° 38' 40" E., 1336.05 feet to the Southwest corner of the SE¼NW¼ of said
Section 16 and the TRUE POINT OF BEGINNING; thence
N. 00° 06' 47" W., 1303.01 feet to the Northwest corner of the SE¼NW¼ of said
Section 16; thence
N. 89° 33' 07" E., 982.43 feet along the North boundary of the SE¼NW¼ of said
Section 16 to a fence; thence
S. 32° 21' 46" E., 649.03 feet along a fence; thence
S. 00° 32' 44" E., 491.73 feet along a fence; thence
S. 30° 44' 03" E., 5.57 feet along a fence to the east boundary of the SE¼NW¼ of
said Section 16; thence
S. 00° 16' 34" E., 257.69 feet to the Southeast corner of the SE¼NW¼ of said Section
16; thence
S. 89° 38' 40" W., 1336.05 feet to the TRUE POINT OF BEGINNING. (Tax Lot 2837)

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest corner of said Section 16; thence
S. 00° 03' 03" W., 2601.77 feet to a 5/8 inch diameter rebar marking the West ¼
corner of said Section 16; thence
N. 89° 38' 40" E., 2672.09 feet to the Southwest corner of the SW¼NE¼ of said
Section 16 and the TRUE POINT OF BEGINNING; thence
N. 00° 16' 34" W., 257.69 feet along the West boundary of the SW¼NE¼ of said
Section 16 to a fence; thence
S. 30° 44' 03" E., 286.48 feet along a fence; thence
S. 33° 17' 23" E., 12.58 feet along a fence to the South boundary of the SW¼NE¼ of
said Section 16; thence
S. 89° 38' 40" W., 152.06 feet to the TRUE POINT OF BEGINNING. (Tax Lot 2838)

AND

CONTINUED

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy

ORDER NO. 23688
LEGAL DESCRIPTION - CONTINUED

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest Corner of said Section 16; thence S. 00° 03' 03" W., 2601.77 feet to a 5/8 inch diameter rebar marking the West 1/4 corner of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 00° 03' 03" E., 1300.89 feet to the Northwest corner of the SW 1/4 NW 1/4 of said Section 16; thence N. 89° 33' 07" E., 1332.34 feet to the Northeast corner of the SW 1/4 NW 1/4 of said Section 16; thence S. 00° 06' 47" E., 1303.01 feet to the Southeast corner of the SW 1/4 NW 1/4 of said Section 16; thence S. 89° 38' 40" W., 1336.05 feet to the TRUE POINT OF BEGINNING.

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest Corner of said Section 16; thence S. 00° 03' 03" W., 2601.77 feet to a 5/8 inch diameter rebar marking the West 1/4 corner of said Section 16; thence N. 89° 38' 40" E., 2872.09 feet to the Northwest corner of the NW 1/4 SE 1/4 of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 89° 38' 40" E., 152.06 feet along the North boundary of the NW 1/4 SE 1/4 of said Section 16 to a fence; thence S. 33° 17' 23" E., 24.93 feet along a fence; thence S. 52° 51' 23" E., 980.12 feet along a fence; thence S. 02° 58' 57" W., 391.78 feet along a fence; thence S. 44° 13' 05" E., 437.64 feet along a fence to the South boundary of the NW 1/4 SE 1/4 of said Section 16; thence S. 89° 37' 38" W., 1225.48 feet to the Southwest corner of the NW 1/4 SE 1/4 of said Section 16; thence N. 00° 16' 34" W., 1324.59 feet to the TRUE POINT OF BEGINNING. (Tax Lot 2840)

AND

CONTINUED

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy

ORDER NO. 23686
LEGAL DESCRIPTION - CONTINUED

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest Corner of said Section 16; thence S. 00° 03' 03" W., 2601.77 feet to a 5/8 inch diameter rebar marking the West ¼ corner of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 89° 38' 40" E., 2672.09 feet to the Northeast corner of the N½SW¼ of said Section 16; thence S. 00° 16' 34" E., 1324.59 feet to the Southeast corner of the N½SW¼ of said Section 16; thence S. 89° 35' 27" W., 2677.86 feet to the Southwest corner of the N½SW¼ of said Section 16; thence N. 00° 01' 40" W., 1327.11 feet along the West boundary of said Section 16 to the TRUE POINT OF BEGINNING.

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest Corner of said Section 16; thence S. 00° 03' 03" W., 2601.77 feet to a 5/8 inch diameter rebar marking the West ¼ corner of said Section 16; thence S. 00° 01' 40" E., 1327.11 feet to the Northwest corner of the S½SW¼ of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 89° 35' 27" E., 2677.86 feet to the Northeast corner of the S½SW¼ of said Section 16; thence N. 89° 37' 38" E., 2671.92 feet to the Northeast corner of the S½SE¼ of said Section 16; thence S. 00° 34' 24" E., 1245.18 feet along the East boundary of said Section 16 to the North boundary of Highway 20 as depicted on pages 23, 24 & 25 of the Idaho State Department of Transportation plans for Project No. S-2809(13) dated 1/4/74; thence along the North boundary of said Highway 20 the following 10 courses; thence S. 89° 50' 25" W., 353.27 feet; thence N. 87° 17' 50" W., 200.25 feet; thence S. 89° 50' 25" W., 100.00 feet; thence S. 86° 58' 40" W., 200.25 feet; thence S. 89° 50' 25" W., 564.49 feet; thence S. 89° 28' 48" W., 1335.83 feet; thence N. 87° 39' 27" W., 200.25 feet; thence S. 89° 28' 48" W., 100.00 feet; thence S. 86° 37' 03" W., 200.25 feet; thence S. 89° 28' 48" W., 2108.09 feet to the West boundary of said Section 16; thence

CONTINUED

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy

ORDER NO. 23688
LEGAL DESCRIPTION - CONTINUED

N. 00° 01' 40" W., 1248.36 feet along the West boundary of said Section 16 to the TRUE POINT OF BEGINNING. (Tax Lot 4175)

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 17: A parcel of land within said Section 17, more particularly described as follows:

COMMENCING at brass cap marking the Southeast corner of said Section 17; thence N. 00° 01' 40" W., 2654.22 feet to a 5/8 inch diameter rebar marking the East ¼ corner of said Section 17 and the TRUE POINT OF BEGINNING; thence S. 00° 01' 40" E., 2575.47 feet along the East boundary of the SE¼ of said Section 17 to the North boundary of Highway 20 as depicted on pages 22 & 23 of the Idaho State Department of Transportation plans for Project No. S-2809(13) dated 1/4/74; thence S. 89° 28' 48" W., 2393.39 feet along the North boundary of said Highway 20; thence N. 87° 39' 27" W., 200.25 feet along the North boundary of said Highway 20; thence S. 89° 28' 48" W., 70.88 feet along the North boundary of said Highway 20 to the West boundary of said SE¼ of Section 17; thence N. 00° 03' 03" E., 74.46 feet along the West boundary of said SE¼ of said Section 17 to the Southwest corner of a 20 foot square parcel described in a deed recorded in Book 171 of Deeds at page 285 and under Instrument No. 111785, records of Blaine County, Idaho; thence S. 89° 56' 57" E., 20.00 feet to the Southeast corner of said 20 foot square parcel; thence N. 00° 03' 03" E., 20.00 feet to the Northeast corner of said 20 foot square parcel; thence N. 89° 56' 57" W., 20.00 feet to the Northwest corner of said 20 foot square parcel and the West boundary of said SE¼ of Section 17; thence N. 00° 03' 03" E., 2461.03 feet to the Northwest corner of said SE¼ of said Section 17; thence N. 89° 15' 53" E., 2660.97 feet to the TRUE POINT OF BEGINNING. (Tax Lot 4173)

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 20: A parcel of land within said Section 20, more particularly described as follows:

COMMENCING at brass cap marking the North ¼ corner of said Section 20; thence N. 89° 25' 19" E., 2664.51 feet to a brass cap marking the Northeast corner of said Section 20; thence S. 00° 23' 24" E., 21.25 feet along the East boundary of said Section 20 to the South boundary of Highway 20 as depicted on page 22 & 23 of the Idaho State Department of Transportation plans for Project No. S-2809(13) dated 1/4/74 and the TRUE POINT OF BEGINNING; thence

CONTINUED

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy

ORDER NO. 23686

LEGAL DESCRIPTION - CONTINUED

S. 00° 23' 24" E., 1304.47 feet to the Southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 20; thence
S. 89° 22' 49" W., 2001.20 feet to the Southwest corner of the E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 20; thence
N. 00° 16' 06" W., 1307.97 feet along the East boundary of the E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 20 to the South boundary of said Highway 20; thence
N. 89° 28' 48" E., 1998.42 feet along the South boundary of said Highway 20 to the TRUE POINT OF BEGINNING. (Tax Lot 4174)

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 21: A parcel of land within said Section 21, more particularly described as follows:

COMMENCING at brass cap marking the Northwest corner of said Section 21; thence
N. 89° 32' 15" E., 2683.62 feet to a brass cap marking the North $\frac{1}{4}$ corner of said Section 21; thence
S. 00° 17' 18" E., 18.56 feet along the East boundary of the NW $\frac{1}{4}$ of said Section 21 to the South boundary of Highway 20 as depicted on pages 23 & 24 of the Idaho State Department of Transportation plans for Project No. S-2809(13) dated 1/4/74 and the TRUE POINT OF BEGINNING; thence
S. 00° 17' 18" E., 3962.43 feet to the Southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 21; thence
S. 89° 37' 08" W., 1338.28 feet to the Southwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 21; thence
N. 00° 20' 21" W., 2651.64 feet to the Northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 21; thence
S. 89° 36' 39" W., 1340.63 feet to the Southwest corner of the N $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 21; thence
N. 00° 23' 24" W., 1304.47 feet along the West boundary of said Section 21 to the south boundary of said Highway 20; thence
N. 89° 28' 48" E., 2108.81 feet along the South boundary of said Highway 20; thence
N. 87° 39' 27" E., 200.25 feet along the South boundary of said Highway 20; thence
N. 89° 28' 48" E., 100.00 feet along the South boundary of said Highway 20; thence
N. 86° 37' 03" E., 200.25 feet along the South boundary of said Highway 20; thence
N. 89° 28' 48" E., 74.78 feet along the south boundary of said Highway 20 to the TRUE POINT OF BEGINNING. (Tax Lot 4176)

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy

SCHEDULE B

Order No. 23686

Policy No. J 866953

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

PART I

SECTION 1

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims or easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents and state deeds or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any lien, or right to a lien, for services, labor or material thereto or hereafter furnished, imposed by law and not shown by the public records.

SECTION 2

1. General taxes for the year 1998, a lien not yet due and payable.
2. Power Line Easement in favor of Idaho Power Company, a corporation, recorded September 27, 1957, in Book 171 of Deeds, page 139. (Blanket Easement)
3. Power Line Easement in favor of Idaho Power Company, a corporation, recorded October 15, 1962, in Book 176 of Deeds, page 462. (Blanket Easement)
4. Restrictions contained in that certain Warranty Deed, by and between Harvey Bickett and Lucille Bickett, husband and wife, grantors and the State of Idaho, by and through the Idaho Board of Highway Directors, grantee, recorded November 7, 1969, as Instrument No. 134079.

CONTINUED

Form No. 1402.92

(10/17/92)

ALTA Owner's Policy

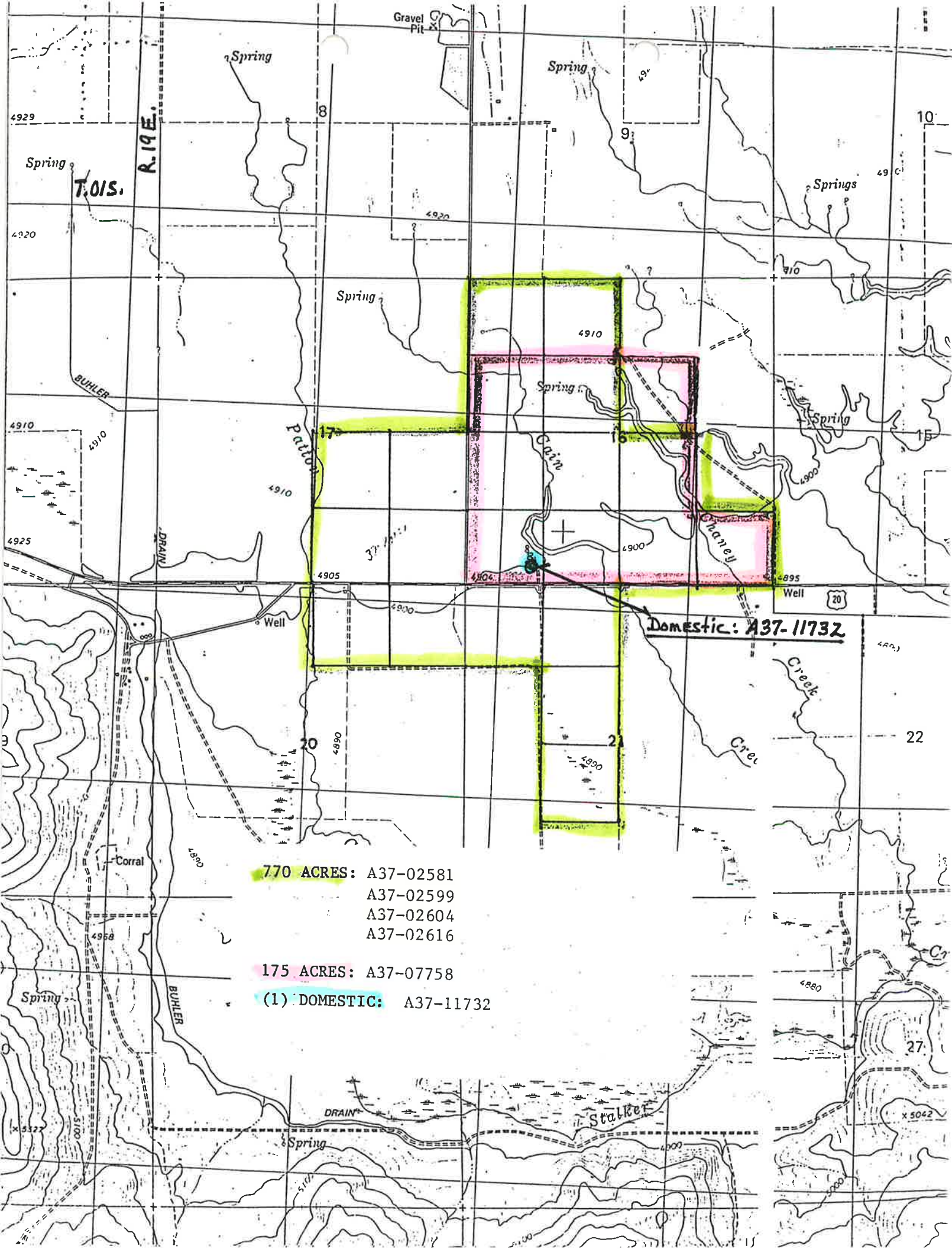
ORDER NO. 23686

OWNERS POLICY NO. J 866935

SCHEDULE B - SECTION 2 CONTINUED

5. Terms and Conditions contained in that certain Order for Annexation into the Carey Rural Fire Protection District, executed by Blaine County Board of Commissioners, recorded July 27, 1993, as Instrument No. 355071.
6. The rights of the public over any portion of said land known as Price Lane.
7. A Mortgage to secure an indebtedness in the principal sum of \$1,250,000.00, and any other amounts and/or obligations secured thereby, recorded June 1, 1998, as Instrument No. 414851.
Dated: May 31, 1998.
Mortgagor: Thomas O'Gara, Trustee of the Thomas O'Gara Family Trust.
Mortgagee: CS&B, LLP, an Idaho limited liability partnership.

END SCHEDULE B



23686

H202

WARRANTY DEED

COPY

For value received, CS&B,LLP, an Idaho limited liability partnership (the Grantor), does hereby grant, bargain, sell and convey unto the **THOMAS O'GARA FAMILY TRUST**, Thomas O'Gara Trustee, 222 West 4th Street, Fort Worth, Texas 76102, the Grantee, the real property known as the Bickett Ranch, located at 18154 State Highway 20, in Blaine County, Idaho, and described on Exhibit A hereto (the "Premises),

TO HAVE AND TO HOLD said Premises with their appurtenances unto the said Grantee and its assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that Grantor, the owner, is in fee simple of said Premises, that said Premises are free from all encumbrances thereon, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Grantor's covenants and warranties are subject to Schedule 1 hereto.

Dated: May 31, 1998

CS&B,LLP, an Idaho limited liability partnership

Carol Diane Herrmann
Carol Diane Herrmann, partner

Harvey Myron Bickett
Harvey Myron Bickett, partner

Elizabeth Jane Bickett
Elizabeth Jane Bickett, partner

414850

Deed

BLAINE CO. REQUEST

OF: **SAWTOOTH TITLE**

'98 JUN 1 PM 2 32

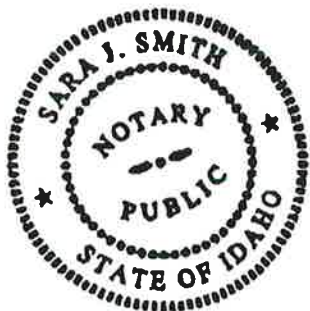
MARY GREEN, CLERK *ms*

FEES \$ 30.00

STATE OF IDAHO)
 County of Ada) ss.

On this 24 day of March, 1998, before me, Sara J. Smith, a notary public for said State, personally appeared Carol Diane Herrmann, known or identified to me to be a partner of CS&B, LLP, the limited liability partnership that executed the instrument or the person who executed the instrument on behalf of said limited liability partnership, and acknowledged to me that such limited liability partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Sara J. Smith
 Notary Public
 Residing at: Boise Id
 My Commission Expires: 11-1-2002

STATE OF IDAHO)
 County of Ada) ss.

On this 19th day of March, 1998, before me, Connie J. Dart, a notary public for said State, personally appeared Elizabeth Jane Bickett, known or identified to me to be a partner of CS&B, LLP, the limited liability partnership that executed the instrument or the person who executed the instrument on behalf of said limited liability partnership, and acknowledged to me that such limited liability partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

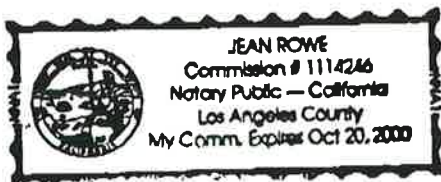


Connie J. Dart
 Notary Public
 Residing at: Boise Idaho
 My Commission Expires: 6-24-98

STATE OF California)
: ss.
County of Los Angeles)

On this 26 day of March, 1998, before me, Jean Rowe,
a notary public for said State, personally appeared Harvey Myron Bickett, known or
identified to me to be a partner of CS&B, LLP, the limited liability partnership that
executed the instrument or the person who executed the instrument on behalf of said
limited liability partnership, and acknowledged to me that such limited liability
partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year in this certificate first above written.



Jean Rowe
Notary Public 12701 De Foe Ave
Residing at: Sylmar CA 91342
My Commission Expires: 10/20/00

Boisc:0088368.01

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest corner of said Section 16; thence N. 89° 27' 32" E., 664.32 feet along the North boundary of said Section 16 to the Northwest Corner of the E½NW¼NW¼ of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 89° 27' 32" E., 664.32 feet to the Northeast corner of the E½NW¼NW¼ of said Section 16; thence S. 00° 06' 47" E., 1303.01 feet to the Southeast corner of the E½NW¼NW¼ of said Section 16; thence S. 89° 33' 07" W., 666.17 feet to the Southwest corner of the E½NW¼NW¼ of said Section 16; thence N. 00° 01' 52" W., 1301.95 feet to the TRUE POINT OF BEGINNING. (Tax Lot 260)

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest corner of said Section 16; thence N. 89° 27' 32" E., 1328.64 feet along the North boundary of said Section 16 to the Northwest corner of the NE¼NW¼ of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 89° 27' 32" E., 163.14 feet along the North boundary of said Section 16; thence S. 32° 21' 46" E., 1535.35 feet along a fence to the South boundary of the NE¼NW¼ of said Section 16; thence S. 89° 33' 07" W., 982.43 feet to the Southeast corner of the NE¼NW¼ of said Section 16; thence N. 00° 06' 47" W., 1303.01 feet to the TRUE POINT OF BEGINNING. (Tax Lot 2835)

AND

CONTINUED



TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest corner of said Section 16; thence S. 00° 03' 03" W., 2601.77 feet to a 5/8 inch diameter rebar marking the West 1/4 corner of said Section 16; thence N. 89° 38' 40" E., 1336.05 feet to the Southwest corner of the SE 1/4 NW 1/4 of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 00° 06' 47" W., 1303.01 feet to the Northwest corner of the SE 1/4 NW 1/4 of said Section 16; thence N. 89° 33' 07" E., 982.43 feet along the North boundary of the SE 1/4 NW 1/4 of said Section 16 to a fence; thence S. 32° 21' 46" E., 649.03 feet along a fence; thence S. 00° 32' 44" E., 491.73 feet along a fence; thence S. 30° 44' 03" E., 5.57 feet along a fence to the east boundary of the SE 1/4 NW 1/4 of said Section 16; thence S. 00° 16' 34" E., 257.69 feet to the Southeast corner of the SE 1/4 NW 1/4 of said Section 16; thence S. 89° 38' 40" W., 1336.05 feet to the TRUE POINT OF BEGINNING. (Tax Lot 2837)

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest corner of said Section 16; thence S. 00° 03' 03" W., 2601.77 feet to a 5/8 inch diameter rebar marking the West 1/4 corner of said Section 16; thence N. 89° 38' 40" E., 2672.09 feet to the Southwest corner of the SW 1/4 NE 1/4 of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 00° 16' 34" W., 257.69 feet along the West boundary of the SW 1/4 NE 1/4 of said Section 16 to a fence; thence S. 30° 44' 03" E., 286.46 feet along a fence; thence S. 33° 17' 23" E., 12.58 feet along a fence to the South boundary of the SW 1/4 NE 1/4 of said Section 16; thence S. 89° 38' 40" W., 152.06 feet to the TRUE POINT OF BEGINNING. (Tax Lot 2838)

AND

CONTINUED

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest Corner of said Section 16; thence S. 00° 03' 03" W., 2601.77 feet to a 5/8 inch diameter rebar marking the West 1/4 corner of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 00° 03' 03" E., 1300.89 feet to the Northwest corner of the SW 1/4 NW 1/4 of said Section 16; thence N. 89° 33' 07" E., 1332.34 feet to the Northeast corner of the SW 1/4 NW 1/4 of said Section 16; thence S. 00° 06' 47" E., 1303.01 feet to the Southeast corner of the SW 1/4 NW 1/4 of said Section 16; thence S. 89° 38' 40" W., 1336.05 feet to the TRUE POINT OF BEGINNING.

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest Corner of said Section 16; thence S. 00° 03' 03" W., 2601.77 feet to a 5/8 inch diameter rebar marking the West 1/4 corner of said Section 16; thence N. 89° 38' 40" E., 2672.09 feet to the Northwest corner of the NW 1/4 SE 1/4 of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 89° 38' 40" E., 152.06 feet along the North boundary of the NW 1/4 SE 1/4 of said Section 16 to a fence; thence S. 33° 17' 23" E., 24.93 feet along a fence; thence S. 52° 51' 23" E., 980.12 feet along a fence; thence S. 02° 58' 57" W., 391.78 feet along a fence; thence S. 44° 13' 05" E., 437.64 feet along a fence to the South boundary of the NW 1/4 SE 1/4 of said Section 16; thence S. 89° 37' 38" W., 1225.48 feet to the Southwest corner of the NW 1/4 SE 1/4 of said Section 16; thence N. 00° 16' 34" W., 1324.59 feet to the TRUE POINT OF BEGINNING. (Tax Lot 2840)

AND

CONTINUED

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.**SECTION 16: A parcel of land within said Section 16, more particularly described as follows:**

COMMENCING at brass cap marking the Northwest Corner of said Section 16; thence S. 00° 03' 03" W., 2601.77 feet to a 5/8 inch diameter rebar marking the West ¼ corner of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 89° 38' 40" E., 2672.09 feet to the Northeast corner of the N½SW¼ of said Section 16; thence S. 00° 16' 34" E., 1324.59 feet to the Southeast corner of the N½SW¼ of said Section 16; thence S. 89° 35' 27" W., 2677.86 feet to the Southwest corner of the N½SW¼ of said Section 16; thence N. 00° 01' 40" W., 1327.11 feet along the West boundary of said Section 16 to the TRUE POINT OF BEGINNING.

AND**TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.****SECTION 16: A parcel of land within said Section 16, more particularly described as follows:**

COMMENCING at brass cap marking the Northwest Corner of said Section 16; thence S. 00° 03' 03" W., 2601.77 feet to a 5/8 inch diameter rebar marking the West ¼ corner of said Section 16; thence S. 00° 01' 40" E., 1327.11 feet to the Northwest corner of the S½SW¼ of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 89° 35' 27" E., 2677.86 feet to the Northeast corner of the S½SW¼ of said Section 16; thence N. 89° 37' 38" E., 2671.92 feet to the Northeast corner of the S½SE¼ of said Section 16; thence S. 00° 34' 24" E., 1245.18 feet along the East boundary of said Section 16 to the North boundary of Highway 20 as depicted on pages 23, 24 & 25 of the Idaho State Department of Transportation plans for Project No. S-2809(13) dated 1/4/74; thence along the North boundary of said Highway 20 the following 10 courses; thence S. 89° 50' 25" W., 353.27 feet; thence N. 87° 17' 50" W., 200.25 feet; thence S. 89° 50' 25" W., 100.00 feet; thence S. 86° 58' 40" W., 200.25 feet; thence S. 89° 50' 25" W., 564.49 feet; thence S. 89° 28' 48" W., 1335.83 feet; thence N. 87° 39' 27" W., 200.25 feet; thence S. 89° 28' 48" W., 100.00 feet; thence S. 86° 37' 03" W., 200.25 feet; thence S. 89° 28' 48" W., 2108.09 feet to the West boundary of said Section 16; thence N. 00° 01' 40" W., 1248.36 feet along the West boundary of said Section 16 to the TRUE POINT OF BEGINNING. (Tax Lot 4175)

**AND
CONTINUED**

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.**SECTION 17: A parcel of land within said Section 17, more particularly described as follows:**

COMMENCING at brass cap marking the Southeast corner of said Section 17; thence N. 00° 01' 40" W., 2654.22 feet to a 5/8 inch diameter rebar marking the East ¼ corner of said Section 17 and the TRUE POINT OF BEGINNING; thence S. 00° 01' 40" E., 2575.47 feet along the East boundary of the SE¼ of said Section 17 to the North boundary of Highway 20 as depicted on pages 22 & 23 of the Idaho State Department of Transportation plans for Project No. S-2809(13) dated 1/4/74; thence S. 89° 28' 48" W., 2393.39 feet along the North boundary of said Highway 20; thence N. 87° 39' 27" W., 200.25 feet along the North boundary of said Highway 20; thence S. 89° 28' 48" W., 70.88 feet along the North boundary of said Highway 20 to the West boundary of said SE¼ of Section 17; thence N. 00° 03' 03" E., 74.46 feet along the West boundary of said SE¼ of said Section 17 to the Southwest corner of a 20 foot square parcel described in a deed recorded in Book 171 of Deeds at page 285 and under Instrument No. 111785, records of Blaine County, Idaho; thence S. 89° 56' 57" E., 20.00 feet to the Southeast corner of said 20 foot square parcel; thence N. 00° 03' 03" E., 20.00 feet to the Northeast corner of said 20 foot square parcel; thence N. 89° 56' 57" W., 20.00 feet to the Northwest corner of said 20 foot square parcel and the West boundary of said SE¼ of Section 17; thence N. 00° 03' 03" E., 2461.03 feet to the Northwest corner of said SE¼ of said Section 17; thence N. 89° 15' 53" E., 2660.97 feet to the TRUE POINT OF BEGINNING. (Tax Lot 4173)

AND**TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.****SECTION 20: A parcel of land within said Section 20, more particularly described as follows:**

COMMENCING at brass cap marking the North ¼ corner of said Section 20; thence N. 89° 25' 19" E., 2664.51 feet to a brass cap marking the Northeast corner of said Section 20; thence S. 00° 23' 24" E., 21.25 feet along the East boundary of said Section 20 to the South boundary of Highway 20 as depicted on page 22 & 23 of the Idaho State Department of Transportation plans for Project No. S-2809(13) dated 1/4/74 and the TRUE POINT OF BEGINNING; thence S. 00° 23' 24" E., 1304.47 feet to the Southeast corner of the NE¼NE¼ of said Section 20; thence S. 89° 22' 49" W., 2001.20 feet to the Southwest corner of the E¼NW¼NE¼ of said Section 20; thence N. 00° 16' 06" W., 1307.97 feet along the East boundary of the E¼NW¼NE¼ of said Section 20 to the South boundary of said Highway 20; thence N. 89° 28' 48" E., 1998.42 feet along the South boundary of said Highway 20 to the TRUE POINT OF BEGINNING. (Tax Lot 4174)

CONTINUED

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 21: A parcel of land within said Section 21, more particularly described as follows:

COMMENCING at brass cap marking the Northwest corner of said Section 21; thence N. 89° 32' 15" E., 2683.62 feet to a brass cap marking the North ¼ corner of said Section 21; thence

S. 00° 17' 18" E., 18.56 feet along the East boundary of the NW¼ of said Section 21 to the South boundary of Highway 20 as depicted on pages 23 & 24 of the Idaho State Department of Transportation plans for Project No. S-2809(13) dated 1/4/74 and the TRUE POINT OF BEGINNING; thence

S. 00° 17' 18" E., 3962.43 feet to the Southeast corner of the NE¼SW¼ of said Section 21; thence

S. 89° 37' 08" W., 1338.28 feet to the Southwest corner of the NE¼SW¼ of said Section 21; thence

N. 00° 20' 21" W., 2551.64 feet to the Northwest corner of the SE¼NW¼ of said Section 21; thence

S. 89° 36' 39" W., 1340.63 feet to the Southwest corner of the N¼NW¼ of said Section 21; thence

N. 00° 23' 24" W., 1304.47 feet along the West boundary of said Section 21 to the south boundary of said Highway 20; thence

N. 89° 28' 48" E., 2108.81 feet along the South boundary of said Highway 20; thence

N. 87° 39' 27" E., 200.25 feet along the South boundary of said Highway 20; thence

N. 89° 28' 48" E., 100.00 feet along the South boundary of said Highway 20; thence

N. 86° 37' 03" E., 200.25 feet along the South boundary of said Highway 20; thence

N. 89° 28' 48" E., 74.78 feet along the south boundary of said Highway 20 to the TRUE POINT OF BEGINNING. (Tax Lot 4176)

**SCHEDULE 1
TO WARRANTY DEED
dated May 31, 1998**

**CS&B, LLP (Grantor)
Thomas O'Gara Family Trust (Grantee)**

The Grantor's covenants and warranties concerning all water rights conveyed appurtenant to the Premises are subject to the final outcome of all proceedings in and the provisions, terms and conditions of the Decree to be entered in *Re: The General Adjudication of Rights to the Use of Water from the Snake River Basin Water System*, Twin Falls District Court Case No. 39576.

Grantor's covenants and warranties are further subject to the following

1. Unpatented mining claims; reservations or exceptions on patents and state deeds or in acts authorizing the issuance thereto
2. Power Line Easement in favor of Idaho Power Company, a corporation, recorded September 27, 1957, in Book 171 of Deeds, page 139. (Blanket Easement)
3. Power Line Easement in favor of Idaho Power Company, a corporation, recorded October 15, 1962, in Book 176 of Deeds, page 462. (Blanket Easement)
4. Restrictions contained in that certain Warranty Deed, by and between Harvey Bickett and Lucile Bickett, husband and wife, grantors and the State of Idaho, by and through the Idaho Board of Highway Directors, grantee, recorded November 7, 1969, as Instrument No. 134079.
5. Terms and Conditions contained in that certain Order of Annexation into the Carey Rural Fire Protection District, executed by Blaine County Board of Commissioners, recorded June 27, 1993, as Instrument No. 355071.
6. The rights of the public over any portion of said land known as Price Lane.

BOISE:0090361.01

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy

SCHEDULE A

Order No. 23686 Policy No. J 866935

Amount of Insurance \$1,850,000.00 Premium \$4,465.00

Date of Policy June 1, 1998 at 2:33 p.m.

1. Name of Insured:

THE THOMAS O'GARA FAMILY TRUST

2. The estate or interest in the land which is covered by this policy is:

Fee Simple

3. Title to the estate or interest in the land is vested in:

THOMAS O'GARA, TRUSTEE OF THE THOMAS O'GARA FAMILY TRUST

4. The land referred to in this policy is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy

ORDER NO. 23686
LEGAL DESCRIPTION

EXHIBIT "A"

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest corner of said Section 16; thence N. 89° 27' 32" E., 664.32 feet along the North boundary of said Section 16 to the Northwest Corner of the E½NW¼NW¼ of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 89° 27' 32" E., 664.32 feet to the Northeast corner of the E½NW¼NW¼ of said Section 16; thence S. 00° 06' 47" E., 1303.01 feet to the Southeast corner of the E½NW¼NW¼ of said Section 16; thence S. 89° 33' 07" W., 666.17 feet to the Southwest corner of the E½NW¼NW¼ of said Section 16; thence N. 00° 01' 52" W., 1301.95 feet to the TRUE POINT OF BEGINNING. (Tax Lot 260)

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest corner of said Section 16; thence N. 89° 27' 32" E., 1328.64 feet along the North boundary of said Section 16 to the Northwest corner of the NE¼NW¼ of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 89° 27' 32" E., 163.14 feet along the North boundary of said Section 16; thence S. 32° 21' 46" E., 1535.35 feet along a fence to the South boundary of the NE¼NW¼ of said Section 16; thence S. 89° 33' 07" W., 982.43 feet to the Southeast corner of the NE¼NW¼ of said Section 16; thence N. 00° 06' 47" W., 1303.01 feet to the TRUE POINT OF BEGINNING. (Tax Lot 2835)

AND

CONTINUED

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy

ORDER NO. 23686
LEGAL DESCRIPTION - CONTINUED

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest corner of said Section 16; thence
S. 00° 03' 03" W., 2601.77 feet to a 5/8 inch diameter rebar marking the West ¼
corner of said Section 16; thence
N. 89° 38' 40" E., 1336.05 feet to the Southwest corner of the SE¼NW¼ of said
Section 16 and the TRUE POINT OF BEGINNING; thence
N. 00° 06' 47" W., 1303.01 feet to the Northwest corner of the SE¼NW¼ of said
Section 16; thence
N. 89° 33' 07" E., 982.43 feet along the North boundary of the SE¼NW¼ of said
Section 16 to a fence; thence
S. 32° 21' 46" E., 649.03 feet along a fence; thence
S. 00° 32' 44" E., 491.73 feet along a fence; thence
S. 30° 44' 03" E., 5.57 feet along a fence to the east boundary of the SE¼NW¼ of
said Section 16; thence
S. 00° 16' 34" E., 257.69 feet to the Southeast corner of the SE¼NW¼ of said Section
16; thence
S. 89° 38' 40" W., 1336.05 feet to the TRUE POINT OF BEGINNING. (Tax Lot 2837)

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest corner of said Section 16; thence
S. 00° 03' 03" W., 2601.77 feet to a 5/8 inch diameter rebar marking the West ¼
corner of said Section 16; thence
N. 89° 38' 40" E., 2672.09 feet to the Southwest corner of the SW¼NE¼ of said
Section 16 and the TRUE POINT OF BEGINNING; thence
N. 00° 16' 34" W., 257.69 feet along the West boundary of the SW¼NE¼ of said
Section 16 to a fence; thence
S. 30° 44' 03" E., 286.46 feet along a fence; thence
S. 33° 17' 23" E., 12.58 feet along a fence to the South boundary of the SW¼NE¼ of
said Section 16; thence
S. 89° 38' 40" W., 152.06 feet to the TRUE POINT OF BEGINNING. (Tax Lot 2838)

AND

CONTINUED

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy

ORDER NO. 23688
LEGAL DESCRIPTION - CONTINUED

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest Corner of said Section 16; thence S. 00° 03' 03" W., 2601.77 feet to a 5/8 inch diameter rebar marking the West ¼ corner of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 00° 03' 03" E., 1300.89 feet to the Northwest corner of the SW¼NW¼ of said Section 16; thence N. 89° 33' 07" E., 1332.34 feet to the Northeast corner of the SW¼NW¼ of said Section 16; thence S. 00° 06' 47" E., 1303.01 feet to the Southeast corner of the SW¼NW¼ of said Section 16; thence S. 89° 38' 40" W., 1336.05 feet to the TRUE POINT OF BEGINNING.

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest Corner of said Section 16; thence S. 00° 03' 03" W., 2601.77 feet to a 5/8 inch diameter rebar marking the West ¼ corner of said Section 16; thence N. 89° 38' 40" E., 2872.09 feet to the Northwest corner of the NW¼SE¼ of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 89° 38' 40" E., 152.06 feet along the North boundary of the NW¼SE¼ of said Section 16 to a fence; thence S. 33° 17' 23" E., 24.93 feet along a fence; thence S. 52° 51' 23" E., 980.12 feet along a fence; thence S. 02° 58' 57" W., 391.78 feet along a fence; thence S. 44° 13' 05" E., 437.64 feet along a fence to the South boundary of the NW¼SE¼ of said Section 16; thence S. 89° 37' 38" W., 1225.48 feet to the Southwest corner of the NW¼SE¼ of said Section 16; thence N. 00° 16' 34" W., 1324.59 feet to the TRUE POINT OF BEGINNING. (Tax Lot 2840)

AND

CONTINUED

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy

ORDER NO. 23686
LEGAL DESCRIPTION - CONTINUED

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest Corner of said Section 16; thence S. 00° 03' 03" W., 2601.77 feet to a 5/8 inch diameter rebar marking the West ¼ corner of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 89° 38' 40" E., 2672.09 feet to the Northeast corner of the N½SW¼ of said Section 16; thence S. 00° 16' 34" E., 1324.59 feet to the Southeast corner of the N½SW¼ of said Section 16; thence S. 89° 35' 27" W., 2677.86 feet to the Southwest corner of the N½SW¼ of said Section 16; thence N. 00° 01' 40" W., 1327.11 feet along the West boundary of said Section 16 to the TRUE POINT OF BEGINNING.

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 16: A parcel of land within said Section 16, more particularly described as follows:

COMMENCING at brass cap marking the Northwest Corner of said Section 16; thence S. 00° 03' 03" W., 2601.77 feet to a 5/8 inch diameter rebar marking the West ¼ corner of said Section 16; thence S. 00° 01' 40" E., 1327.11 feet to the Northwest corner of the S½SW¼ of said Section 16 and the TRUE POINT OF BEGINNING; thence N. 89° 35' 27" E., 2677.86 feet to the Northeast corner of the S½SW¼ of said Section 16; thence N. 89° 37' 38" E., 2671.92 feet to the Northeast corner of the S½SE¼ of said Section 16; thence S. 00° 34' 24" E., 1245.18 feet along the East boundary of said Section 16 to the North boundary of Highway 20 as depicted on pages 23, 24 & 25 of the Idaho State Department of Transportation plans for Project No. S-2809(13) dated 1/4/74; thence along the North boundary of said Highway 20 the following 10 courses; thence S. 89° 50' 25" W., 353.27 feet; thence N. 87° 17' 50" W., 200.25 feet; thence S. 89° 50' 25" W., 100.00 feet; thence S. 86° 58' 40" W., 200.25 feet; thence S. 89° 50' 25" W., 564.49 feet; thence S. 89° 28' 48" W., 1335.83 feet; thence N. 87° 39' 27" W., 200.25 feet; thence S. 89° 28' 48" W., 100.00 feet; thence S. 86° 37' 03" W., 200.25 feet; thence S. 89° 28' 48" W., 2108.09 feet to the West boundary of said Section 16; thence

CONTINUED

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy

ORDER NO. 23688
LEGAL DESCRIPTION - CONTINUED

N. 00° 01' 40" W., 1248.36 feet along the West boundary of said Section 16 to the TRUE POINT OF BEGINNING. (Tax Lot 4175)

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 17: A parcel of land within said Section 17, more particularly described as follows:

COMMENCING at brass cap marking the Southeast corner of said Section 17; thence N. 00° 01' 40" W., 2654.22 feet to a 5/8 inch diameter rebar marking the East ¼ corner of said Section 17 and the TRUE POINT OF BEGINNING; thence S. 00° 01' 40" E., 2575.47 feet along the East boundary of the SE¼ of said Section 17 to the North boundary of Highway 20 as depicted on pages 22 & 23 of the Idaho State Department of Transportation plans for Project No. S-2809(13) dated 1/4/74; thence S. 89° 28' 48" W., 2393.39 feet along the North boundary of said Highway 20; thence N. 87° 39' 27" W., 200.25 feet along the North boundary of said Highway 20; thence S. 89° 28' 48" W., 70.88 feet along the North boundary of said Highway 20 to the West boundary of said SE¼ of Section 17; thence N. 00° 03' 03" E., 74.46 feet along the West boundary of said SE¼ of said Section 17 to the Southwest corner of a 20 foot square parcel described in a deed recorded in Book 171 of Deeds at page 285 and under Instrument No. 111785, records of Blaine County, Idaho; thence S. 89° 56' 57" E., 20.00 feet to the Southeast corner of said 20 foot square parcel; thence N. 00° 03' 03" E., 20.00 feet to the Northeast corner of said 20 foot square parcel; thence N. 89° 56' 57" W., 20.00 feet to the Northwest corner of said 20 foot square parcel and the West boundary of said SE¼ of Section 17; thence N. 00° 03' 03" E., 2461.03 feet to the Northwest corner of said SE¼ of said Section 17; thence N. 89° 15' 53" E., 2860.97 feet to the TRUE POINT OF BEGINNING. (Tax Lot 4173)

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 20: A parcel of land within said Section 20, more particularly described as follows:

COMMENCING at brass cap marking the North ¼ corner of said Section 20; thence N. 89° 25' 19" E., 2664.51 feet to a brass cap marking the Northeast corner of said Section 20; thence S. 00° 23' 24" E., 21.25 feet along the East boundary of said Section 20 to the South boundary of Highway 20 as depicted on page 22 & 23 of the Idaho State Department of Transportation plans for Project No. S-2809(13) dated 1/4/74 and the TRUE POINT OF BEGINNING; thence

CONTINUED

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy

ORDER NO. 23886
LEGAL DESCRIPTION - CONTINUED

S. 00° 23' 24" E., 1304.47 feet to the Southeast corner of the NE¼NE¼ of said Section 20; thence
S. 89° 22' 49" W., 2001.20 feet to the Southwest corner of the E¼NW¼NE¼ of said Section 20; thence
N. 00° 16' 06" W., 1307.97 feet along the East boundary of the E¼NW¼NE¼ of said Section 20 to the South boundary of said Highway 20; thence
N. 89° 28' 48" E., 1998.42 feet along the South boundary of said Highway 20 to the TRUE POINT OF BEGINNING. (Tax Lot 4174)

AND

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 21: A parcel of land within said Section 21, more particularly described as follows:

COMMENCING at brass cap marking the Northwest corner of said Section 21; thence
N. 89° 32' 15" E., 2683.62 feet to a brass cap marking the North ¼ corner of said Section 21; thence
S. 00° 17' 18" E., 18.56 feet along the East boundary of the NW¼ of said Section 21 to the South boundary of Highway 20 as depicted on pages 23 & 24 of the Idaho State Department of Transportation plans for Project No. S-2809(13) dated 1/4/74 and the TRUE POINT OF BEGINNING; thence
S. 00° 17' 18" E., 3962.43 feet to the Southeast corner of the NE¼SW¼ of said Section 21; thence
S. 89° 37' 08" W., 1338.28 feet to the Southwest corner of the NE¼SW¼ of said Section 21; thence
N. 00° 20' 21" W., 2651.64 feet to the Northwest corner of the SE¼NW¼ of said Section 21; thence
S. 89° 36' 39" W., 1340.63 feet to the Southwest corner of the N¼NW¼ of said Section 21; thence
N. 00° 23' 24" W., 1304.47 feet along the West boundary of said Section 21 to the south boundary of said Highway 20; thence
N. 89° 28' 48" E., 2108.81 feet along the South boundary of said Highway 20; thence
N. 87° 39' 27" E., 200.25 feet along the South boundary of said Highway 20; thence
N. 89° 28' 48" E., 100.00 feet along the South boundary of said Highway 20; thence
N. 86° 37' 03" E., 200.25 feet along the South boundary of said Highway 20; thence
N. 89° 28' 48" E., 74.78 feet along the south boundary of said Highway 20 to the TRUE POINT OF BEGINNING. (Tax Lot 4176)

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy

SCHEDULE B

Order No. 23686

Policy No. J 866953

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

PART I

SECTION 1

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims or easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents and state deeds or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any lien, or right to a lien, for services, labor or material thereto or hereafter furnished, imposed by law and not shown by the public records.

SECTION 2

1. General taxes for the year 1998, a lien not yet due and payable.
2. Power Line Easement in favor of Idaho Power Company, a corporation, recorded September 27, 1957, in Book 171 of Deeds, page 139. (Blanket Easement)
3. Power Line Easement in favor of Idaho Power Company, a corporation, recorded October 15, 1962, in Book 176 of Deeds, page 462. (Blanket Easement)
4. Restrictions contained in that certain Warranty Deed, by and between Harvey Bickett and Lucile Bickett, husband and wife, grantors and the State of Idaho, by and through the Idaho Board of Highway Directors, grantee, recorded November 7, 1969, as Instrument No. 134079.

CONTINUED

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy

ORDER NO. 23686
OWNERS POLICY NO. J 866935
SCHEDULE B - SECTION 2 CONTINUED

5. Terms and Conditions contained in that certain Order for Annexation into the Carey Rural Fire Protection District, executed by Blaine County Board of Commissioners, recorded July 27, 1993, as Instrument No. 355071.
6. The rights of the public over any portion of said land known as Price Lane.
7. A Mortgage to secure an indebtedness in the principal sum of \$1,250,000.00, and any other amounts and/or obligations secured thereby, recorded June 1, 1998, as Instrument No. 414851.
Dated: May 31, 1998.
Mortgagor: Thomas O'Gara, Trustee of the Thomas O'Gara Family Trust.
Mortgagee: CS&B, LLP, an Idaho limited liability partnership.

END SCHEDULE B

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-02616
Date Received: 10/18/1988
Receipt No: S003040
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHEMS 208-934-4337
Address: P.O. BOX 237
GOODING, ID 83330

2. Date of Priority: JUN 03, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	19E	16	SW	SW	NW		BLAINE

5. Description of diverting works:
ARTESIAN WELL, DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.980		

7. Total Quantity Appropriated is:
2.980 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 1925.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	19E	16	NE	NW		IRR	33.0
			NW	NW		IRR	20.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01S	19E	16	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	25.0
			SW		SE		IRR	39.0
			SE		SE		IRR	38.0
			Section Acres					395.0
		17	NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					160.0
		20	NE		NE		IRR	35.0
			NW		NE		IRR	20.0
			Section Acres					55.0
		21	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			Section Acres					160.0
			Total Acres					770.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A37-07758, A37-02599, A37-02604, A37-02581.

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 27973

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Pres of Chems Organization, that I have signed the foregoing document in the space below as Pres of Chems Organization and that the statements contained in the foregoing document are true and correct.

Pres AT Buehett
Signature of Authorized Agent

Pres Chems
Title and Organization

10/18/88
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of October 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94

Well
P/O

15.
19E.

PH = 770 A.

A37-02616

100-443887-100
FEB 23 1993
MICROFILMED

**Notice of Error
Reply****RECEIVED**
JAN 08 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/15/2006

Water right number: 37-2616

THOMAS M O'GARA FAMILY TRUST
C/O BRIAN BARSOTTI
P.O. BOX 370
KETCHUM, ID 83340

- 1: Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

PERIOD OF USE
PLACES OF USE
MAP

- 2: Describe the changes you wish to make in the proposed recommendation:

PERIOD OF USE: 4/1 THROUGH 11/1
PLACES OF USE: TOTAL 770 ACRES, SEE ATTACHED CLAIM
MAP DOES NOT CORRESPOND EXACTLY TO PLACE OF USE

- 3: Give a brief explanation as to why you disagree with these portions

PERIOD OF USE: HISTORICAL RECORDS, NEARBY RECOMMENDATIONS
PLACES OF USE: ENTIRE OWNED PROPERTY, PPU
MAP BOUNDARIES SHOULD REPRESENT THE RECOMMENDATION

☐ I agree with this proposed recommendation, no changes to be made.

Date: 12/21/2006

Signature: 

Please print your name: Thomas M O'Gara Trust

IDWR State Office, 322 E. Front Street, P.O. Box 83720, Boise, ID 83720-0098

RECEIVED
JAN 08 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

State of Idaho
License and Certificate of Water Right

Water License No. G-27973 Amount 2.98 c.f.s.
Water District No. Priority June 3, 1959

THIS IS TO CERTIFY that H. B. BICKETT
of Gannett, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated June 3, 1959; that Permit No. G-27973
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.98 second feet, was issued thereunder on January 14, 1963, showing that said works
were completed on the 2nd day of October, 1962; and that on the 2nd
day of October, 1962,

H. B. BICKETT

of Gannett, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
a tributary of subterranean flow, for the purpose of irrigation
under Use Permit No. G-27973 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
12 of Licenses at page 7547, on the 14 day of January, 1963;
The right hereby confirmed dates from June 3, 1959;

The Point of Diversion is located

in the SW 1/4 NW 1/4, Sec 16, Tp. 1 S., R. 19 E., B. M. Blaine County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.98 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S.	19 E.	16	NE 1/4 NW 1/4	15	33
			NW 1/4 NW 1/4	20	20
			SW 1/4 NW 1/4	40	40
			SE 1/4 NW 1/4	40	40
			NE 1/4 SW 1/4	40	40
			NW 1/4 SW 1/4	40	40
			SW 1/4 SW 1/4	40	40
			SE 1/4 SW 1/4	40	40
			NW 1/4 SE 1/4	25	25
			SW 1/4 SE 1/4	40	39
			SE 1/4 SE 1/4	40	38
		17	NE 1/4 SE 1/4	40	40
			NW 1/4 SE 1/4	40	40

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
11th day of January, 1963.

(SEAL)

RALPH W. THOMAS
Deputy State Reclamation Engineer.

37 2616

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

12/21/2006

WATER RIGHT NO. 37-2616

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THOMAS M O GARA FAMILY TRUST C/O BRIAN BARSOTTI PO BOX 370 KETCHUM, ID 83340 (208)726-3030
Trustee	THOMAS O GARA PO BOX 2930 HAILEY, ID 83333
Original Owner	CHEMS PO BOX 237 GOODING, ID 83330 (208)934-4337

Priority Date: 06/03/1959

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	2.98 CFS	
Total Diversion			2.98 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSWNW	Sec. 16	Township 01S	Range 19E	BLAINE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01S	19E	16		NENW	33		NWNW	20		SWNW	40		SENW	40
				NESW	40		NWSW	40		SWSW	40		SESW	40
				NWSE	25		SWSE	39		SESE	38			
		17		NESE	40		NWSE	40		SWSE	40		SESE	40
		20		NENE	35		NWNE	20						

Water Right Report

		21		NENW	40		NWNW	40		SENW	40			
				NESW	40									

Total Acres: 770

Conditions of Approval:

1.	08/10/99, CHANGED OWNERSHIP: CHEMS TO THOMAS O GARA FAMILY TRUST AS PER 1409(6), WARRANTY DEED AND TITLE INS. REC'D 06/24/98. C.T.
----	--

Dates:

Licensed Date: 05/15/1979

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/21/2006

WATER RIGHT NO. 37-2616

Owner Type	Name and Address
Current Owner	HARVEY B BICKETT GANNETT, ID 83329

Priority Date: 06/03/1959

Basis: License

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	/	/	2.98 CFS	
Total Diversion			2.98 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWNW	Sec. 16	Township 01S	Range 19E	BLAINE County
--------------	------	---------	--------------	-----------	---------------

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	19E	16		NENW	33		NWNW	20		SWNW	40		SESW	40
				NESW	40		NWSW	40		SWSW	40		SESW	40
				NWSE	25		SWSE	39		SESE	38			
				NESE	40		NWSE	40		SWSE	40		SESE	40
				NENE	35		NWNE	20						
				NENW	40		NWNW	40		SESW	40			
		17		NESW	40									
		20												
		21												

Total Acres: 770

Dates:

Licensed Date: 05/15/1979

Decreed Date:

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Water Right Report

Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

11/27/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-2616

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

VERIFIED BY *KKC*

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.980 CFS

The rights listed below are limited to a total combined annual diversion volume of 2526 af. Combined Right Nos.: 37-2581, 37-2599, 37-2604, 37-2616, & 37-7758

PRIORITY DATE: 06/03/1959

POINT OF DIVERSION:

T01S R19E S16 SWSWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	2.980 CFS 1,180.10 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01S R19E S16	SWNE	0.70	T01S R19E S16	NENW	18.00
T01S R19E S16	NWNW	17.00	T01S R19E S16	SWNW	26.00
T01S R19E S16	SENE	38.00	T01S R19E S16	NESW	40.00
T01S R19E S16	NWSW	39.00	T01S R19E S16	SWSW	37.00
T01S R19E S16	SESW	39.00	T01S R19E S16	NWSE	24.00
T01S R19E S16	SWSE	38.00	T01S R19E S16	SESE	37.00
T01S R19E S17	NESE	41.00	T01S R19E S17	NWSE	36.00
T01S R19E S17	SWSE	39.00	T01S R19E S17	SESE	39.00
T01S R19E S20	NENE	31.00	T01S R19E S20	NWNE	20.00
T01S R19E S21	NENW	40.00	T01S R19E S21	NWNW	40.00
T01S R19E S21	SENE	41.00	T01S R19E S21	NESW	41.00

721.7 ACRES TOTAL

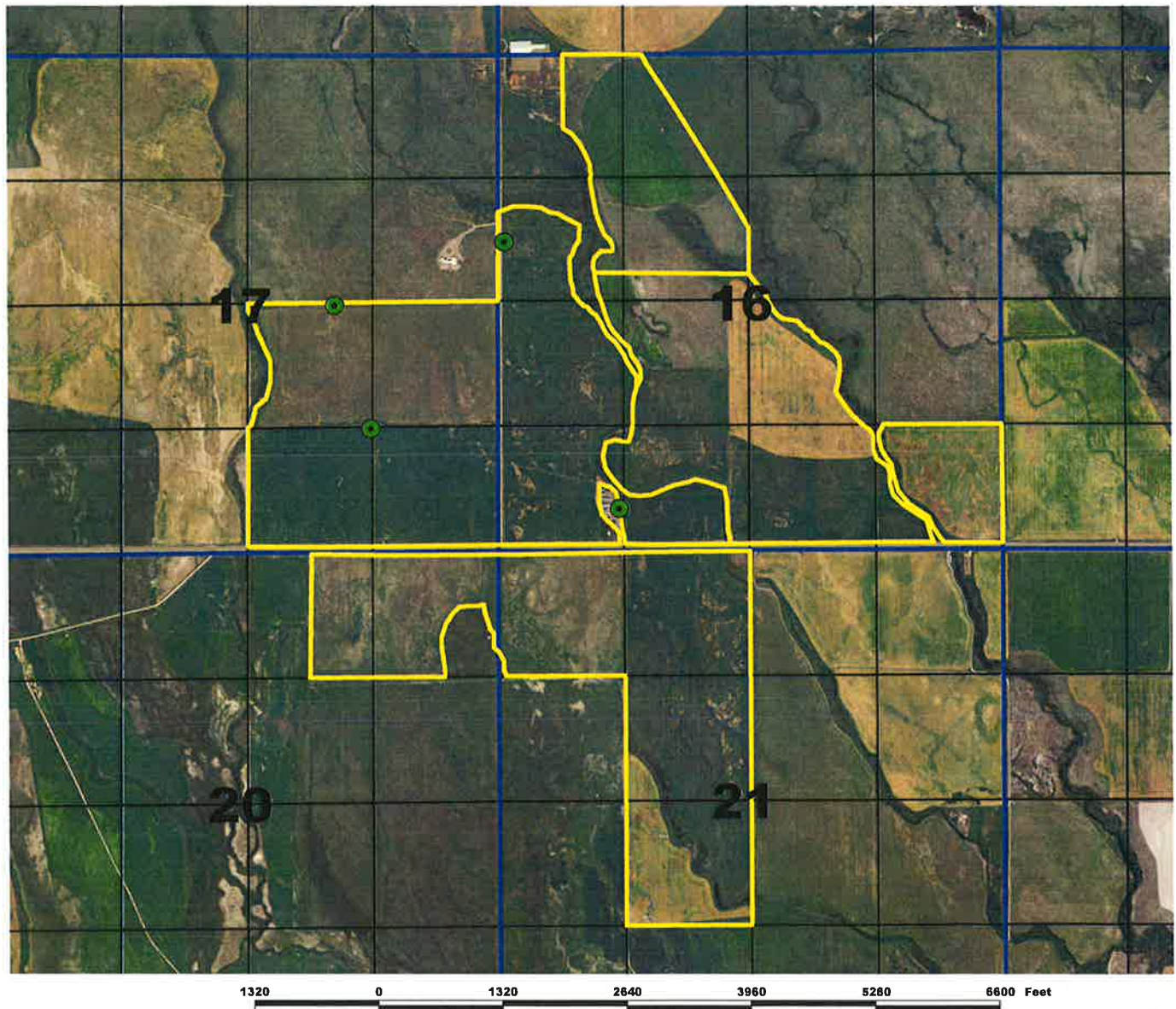
The rights listed below are limited to the irrigation of a combined total of 721.7 acres in a single irrigation season. Combined Right Nos.: 37-2581, 37-2599, 37-2604, 37-2616, & 37-7758

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

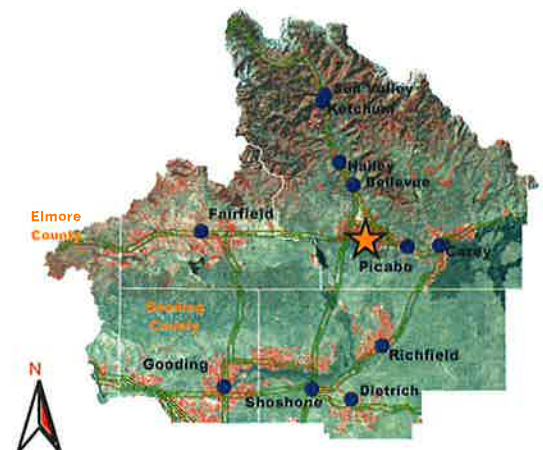
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RECOMMENDED PLACE OF USE FOR 37-2581, 37-2599, 37-2604, & 37-2616



PLACE OF USE
TWP 1S, RNG 19E, SEC 16, 17, 20, & 22
Data entry on November 27, 2006



State of Idaho License and Certificate of Water Right

Water License No. G-27973

Amount 2.98 c.f.s.

Water District No.

Priority June 3, 1959

THIS IS TO CERTIFY that H. B. BICKETT
of Gannett, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated June 3, 1959; that Permit No. G-27973
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.98 second feet, was issued thereunder on January 14, 1963, showing that said works
were completed on the 2nd day of October, 1962; and that on the 2nd
day of October, 1962,

H. B. BICKETT

of Gannett, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-27973 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
12 of Licenses at page 7547, on the 14 day of January, 1963;
The right hereby confirmed dates from June 3, 1959;

The Point of Diversion is located

in the SW 1/4 NW 1/4, Sec. 16, Tp. 1 S., R. 19 E., B. M. Blaine County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.98 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S.	19 E.	16	NE 1/4 NW 1/4	15	33
			NW 1/4 NW 1/4	20	20
			SW 1/4 NW 1/4	40	40
			SE 1/4 NW 1/4	40	40
			NE 1/4 SW 1/4	40	40
			NW 1/4 SW 1/4	40	40
			SW 1/4 SW 1/4	40	40
			SE 1/4 SW 1/4	40	40
			NW 1/4 SE 1/4	25	25
			SW 1/4 SE 1/4	40	39
			SE 1/4 SE 1/4	40	38
		17	NE 1/4 SE 1/4	40	40
			NW 1/4 SE 1/4	40	40

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

14th day of January, 1963.

(SEAL)

RALPH W. THOMAS
Deputy State Reclamation Engineer.

37-2616

37-2616

April 21, 1961 - 10:00 A

R.C. McCoy - Hailley

2.5
3.0
3.0
1.5
10.0

2604
G-27512 - 2.5 cfs

G-27913 - 3 cfs
2616

G-25929 - 3.0 cfs
2581

2599
G-27101 - 1.5 cfs

20

21

G-25929 - 3.0 cfs - Aug. 16, 1955
G-27101 - 1.5 " - Sept. 30, 1957
G-27512 - 2.5 " - July 29, 1958
1.0 G-27913 - 3.0 - June 3, 1959

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

27512

37-2616



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 7, 1999

THOMAS O GARA FAMILY TRUST
222 WEST 4TH ST
FT WORTH TX 76102

RE: OWNERSHIP CHANGE SRBA Claim(s) A37-02581, A37-02599,
A37-02604, A37-02616, A37-07758

Dear Claimant:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership of the above referenced claim to you. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Cheryl E. Timm
Records Clerk, SRBA

Enc.: Claim to a Water Right(S) referenced above



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

JAN 28 2002

Department of Water Resources
Southern Region

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 27, 2001

THOMAS O GARA FAMILY TRUST
C/O BRIAN BARSOTTI
PO BOX 370
KETCHUM ID 83340-0370

Re: Snake River Basin Adjudication (SRBA)
Water Right(s) #37-2517, 37-2558, 37-2581, 37-2599, 37-2604, 37-2616,
37-7231, 37-7232, 37-7758, 37-10455, 37-10456, 37-10457, 37-11732
Change of Address

Records updated 1-25-02.

Dear Water Right Holder:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by January 18, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Claimant Signature

Telephone No.

John A. Rosholt
Albert P. Barker
John K. Simpson
Amy D. Chestnut
Travis L. Thompson

**BARKER
ROSHOLT
&
SIMPSON
LLP**

1221 West Idaho Street, Suite 600
Post Office Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

233 Second Avenue North, Suite D
Twin Falls, Idaho 83301
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

John K. Simpson
jks@idahowaters.com

January 18, 2002

Sally Sherman
Technical Records Specialist
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83720

Re: Snake River Basin Adjudication
Water Rights 37-8517, 37-2558, 37-2599, et. al.

Dear Ms. Sherman:

Please send all future correspondence pertaining to the above referenced water rights in the name of Thomas O'Gara Family Trust to the following:

Thomas O'Gara Family Trust
c/o John K. Simpson
Norman M. Semanko
Barker Rosholt & Simpson LLP
P.O. Box 2139
Boise, Idaho 83701-2139

Our office is still in the process of identifying whether there are additional water rights not listed. We will notify you if there are missing water rights.

Please contact Norm or me at 336-0700 if you have any questions. Thank you.

Sincerely,

John K. Simpson /jh

John K. Simpson

*1-25-02 I called him - he has
my 12-27-01 ltr to O'Gara / Barsotti.
all records modified - removed
Barsotti, replaced him w/
John Simpson.
JP 1-25-02*

Handwritten: 1st Name
data

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

Snake River Basin Adjudication
Office of the Attorney General
PO Box 4449
Boise ID 83711-4449

RETURN TO SENDER

fee due 60¢

US POSTAL SERVICE
PS FORM 3547

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 60¢

US POSTAL SERVICE
PS FORM 3547

BARSO13 833402010 1801 10 11/29/01
BARSO13 370
PO BOX 370
KETCHUM ID 83340-0370

O GARA FAMILY TRUST,
THOMAS
C/O BRIAN BARSO13 ESQ
PO BOX 10013
KETCHUM ID 83340

Handwritten: ORG NAME

Handwritten: ORG NAME
37-2581 ✓
2599 ✓
2604 ✓
2616 ✓
7158 ✓
class

Handwritten: See
37-2511 ✓
2558 ✓
7231 ✓
7232 ✓
10455 ✓
10456 ✓
10457 ✓
11232 ✓
LCS



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

JUL 25 2002

Department of Water Resources

July 5, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

THOMAS O GARA FAMILY TRUST

~~C/O BRIAN BARSOTTI~~

c/o John Simpson

~~PO BOX 370~~

P.O. Box 2139

~~KETCHUM ID 83340-0370~~

Boise ID 83701-2139

Re: Snake River Basin Adjudication (SRBA)

Notices of Claim to a Water Right #37-2517, 37-2558, 37-2581,

37-2599, 37-2604, 37-2616, 37-7231, 37-7232 and

Water Right #37-11732

Change of Address *RECORDS Modified 7-25-02.*

Dear Claimant:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right(s) can be sent only to the address on your water right(s) or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary **and list any other water rights you may have** before returning this letter by July 23, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SSregion

The address is correct as shown above or as otherwise changed.

Claimant Signature

208-330-0700

Telephone No.

SCANNED

JUL 25 2002

Department of Water Resources

RECEIVED
JUL - 2 2002

BAR5013 833403019 1801 11 06/27/02
BARSOTTI
PO BOX 370
KETCHUM ID 83340-0370

THOMAS O GABA FAMILY TRUST
C/O BRIAN BARSOTTI ESQ
PO BOX 10013
KETCHUM ID 83340
CID 208231, 75229

Dept. of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, ID 83720-0098

ADDRESS SERVICE
REQUESTED

JUL 25 2002
JUL 25 2002
JUL 25 2002

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 60¢

U.S. POSTAL SERVICE
PS FORM 3547

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 60¢

U.S. POSTAL SERVICE
PS FORM 3547

37-2517ac
-2558ac
-723ac
-7232ac
-11732
AD 1-5-01
37-2604d
-2617
-2581d
-2599d
-2616d
-2558