

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: A37-07758
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: FEB 6, 1979

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	NE	SW		BLAINE

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.500		525.00

7. Total Quantity Appropriated is:
3.500 C.F.S. (and/or) 525.00 A.F.A.

8. Total consumptive use is 438.0 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	SW	NE		IRR	1.0
			SW	NW		IRR	3.0
			SE	NW		IRR	13.0
			NE	SW		IRR	37.0
			NW	SW		IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	19E	16	SW	SW		IRR	3.0
			SE	SW		IRR	20.0
			NW	SE		IRR	21.0
			SW	SE		IRR	39.0
			SE	SE		IRR	36.0

Section Acres 175.0

Total Acres 175.0

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:

LICENSES: 37-2581, 37-2599, 37-2604, 37-2616

14. Remarks:

THIS RT. WHEN COMBINED WITH ALL OTHER RTS. SHALL PROVIDE NO MORE THAN 3.0 AFA/AC FOR THE LANDS ABOVE.

PT. OF INJECTION INTO CAIN CREEK: SWSW, S16, T1S, R19E.

PTS. OF EXCHANGE FROM CHANEY CREEK: SENW, NWSE, S16, T1S, R19E.

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

AJ0749NP
No. A37-07758

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/10/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THOMAS O GARA FAMILY TRUST 222 WEST 4TH ST FT WORTH TX 76102	02/06/1979	IRRIGATION	04-01 11-01	3.500 CFS	525.00 AFA
TOTAL DIVERSION:					3.500 CFS	525.00 AFA
CONSUMPTIVE USE:						438.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01S R19E S16 SWNESW

BLAINE County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE									
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
01S	19E	16	:					01	:					03	13	:	37	02	03	20	:			21	39	36	:	175.0	
																												TOTAL ACRES	175.0

POU County: BLAINE

Other Rights: LICENSES: 37-2581, 37-2599, 37-2604, 37-2616

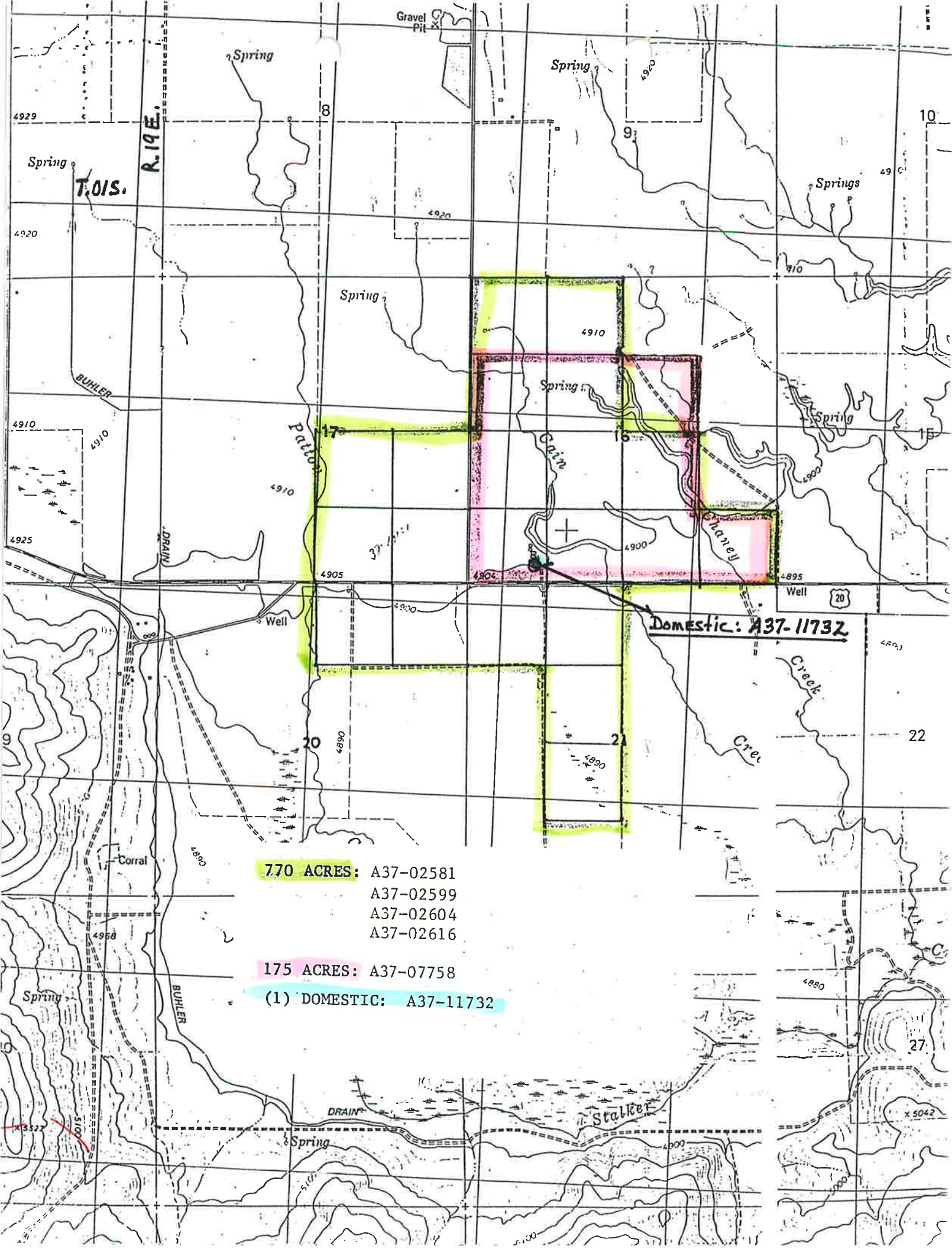
Conditions of Approval:

Remarks: GEN THIS RT. WHEN COMBINED WITH ALL OTHER RTS. SHALL PROVIDE NO MORE THAN 3.0 AFA/AC FOR THE LANDS ABOVE.
PT. OF INJECTION INTO CAIN CREEK: SWSW, S16, T1S, R19E.
PTS. OF EXCHANGE FROM CHANEY CREEK: SENW, NWSE, S16, T1S, R19E.

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: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 37M Field Inspection Flag:
Presumption Flag:

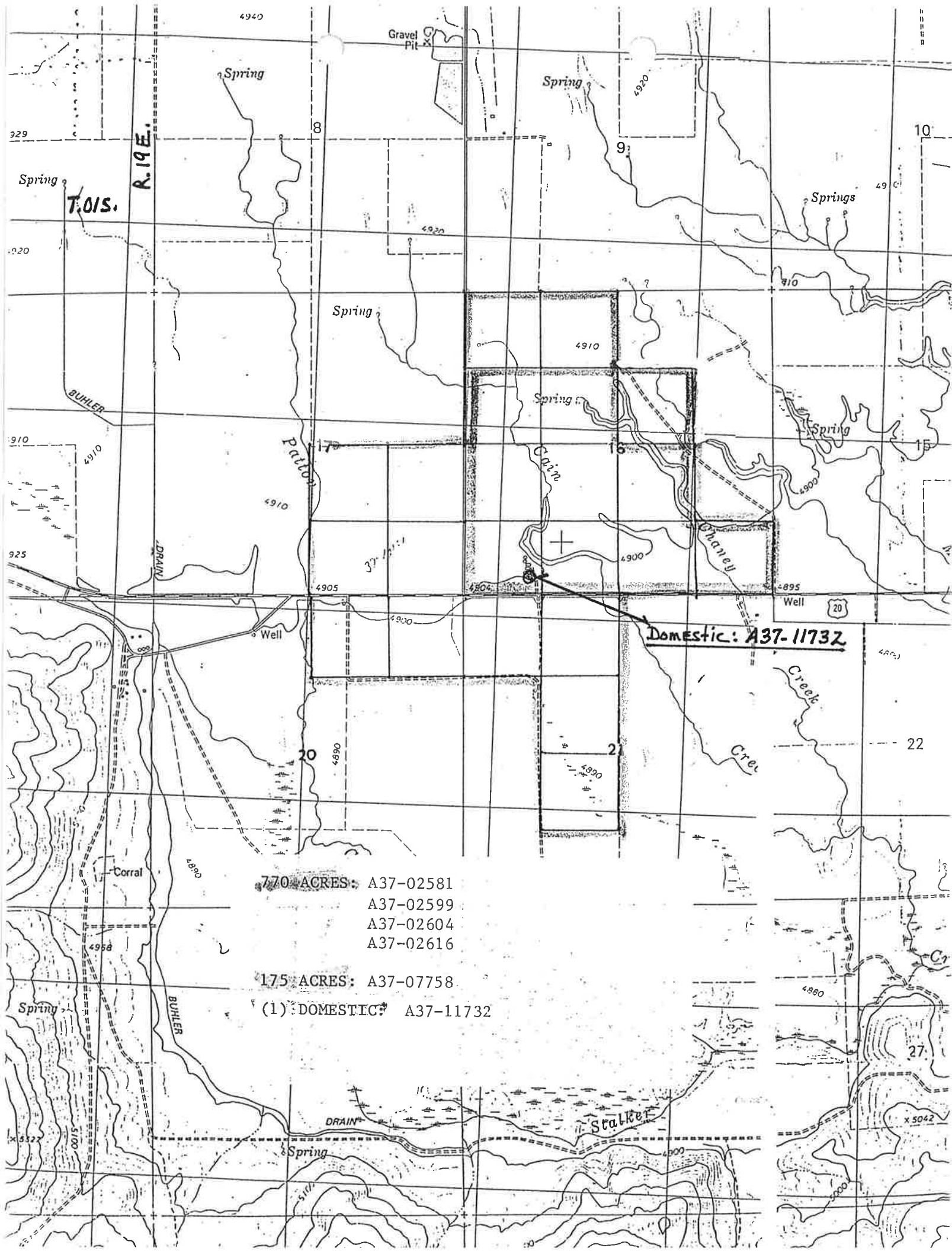


STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

JUN 24 1998
Department of Water Resources
Southern Region

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
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) Thomas O'Gara Trustee of the Date 6/18/97
Thomas O'Gara Trust Date _____
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.
6/18/97 6/24/98 JD



Domestic: A37-11732

770 ACRES: A37-02581
A37-02599
A37-02604
A37-02616

175 ACRES: A37-07758
(1) DOMESTIC: A37-11732

#.23086

AR02

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.

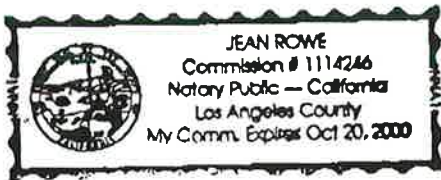


Connie J. Dart
Notary Public
Residing at: Boise Idaho
My Commission Expires: 6-24-98

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

Boise: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 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

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., 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, 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 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 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., 152.08 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., 437.84 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. 23686
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

AR02

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

Reel

BLAINE CO. REQUEST

OF: **SAWTOOTH TITLE**

'98 JUN 1 PM 2 32

MARY GREEN, CLERK *ms*

FEES \$ 30.00

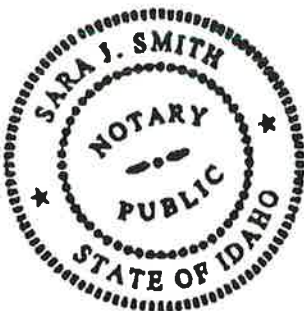
STATE OF IDAHO)

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 12704 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 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

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., 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 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 E½NW¼NE¼ of said Section 20; thence N. 00° 16' 06" W., 1307.97 feet along the East boundary of the E½NW¼NE¼ 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 *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, 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 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

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 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., 437.84 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. 23686
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. 23688
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. 23688****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: A37-07758
Date Received: 10/18/1988
Receipt No: S003040
Received By: Sec

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: FEB 06, 1979

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	NE	SW		BLAINE

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.500		525.00

7. Total Quantity Appropriated is:
3.500 C.F.S. (and/or) 525.00 A.F.A.

8. Total consumptive use is 438.0 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	SW	NE		IRR	1.0
			SW	NW		IRR	3.0
			SE	NW		IRR	13.0
			NE	SW		IRR	37.0

A37-07758

Page 1

Date: 10/18/88

MICROFILMED
FEB 24 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	19E	16	NW	SW	IRR	2.0
			SW	SW	IRR	3.0
			SE	SW	IRR	20.0
			NW	SE	IRR	21.0
			SW	SE	IRR	39.0
			SE	SE	IRR	36.0
					Section Acres	175.0
					Total Acres	175.0

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:

LICENSES: 37-2581, 37-2599, 37-2604, 37-2616

14. Remarks:

THIS RT. WHEN COMBINED WITH ALL OTHER RTS. SHALL PROVIDE NO MORE THAN 3.0 AFA/AC FOR THE LANDS ABOVE.

PT. OF INJECTION INTO CAIN CREEK: SWSW, S16, T1S, R19E.

PTS. OF EXCHANGE FROM CHANEY CREEK: SENW, NWSE, S16, T1S, R19E.

15. Basis of Claim: LICENSE

COPY

MICROFILMED
FEB 24 1993

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 Title of Chems Organization and that the statements contained in the foregoing document are true and correct.

299 B. B. B. B.
Signature of Authorized Agent
Pres Chems
Title and Organization
10/18/88
Date

State of Idaho

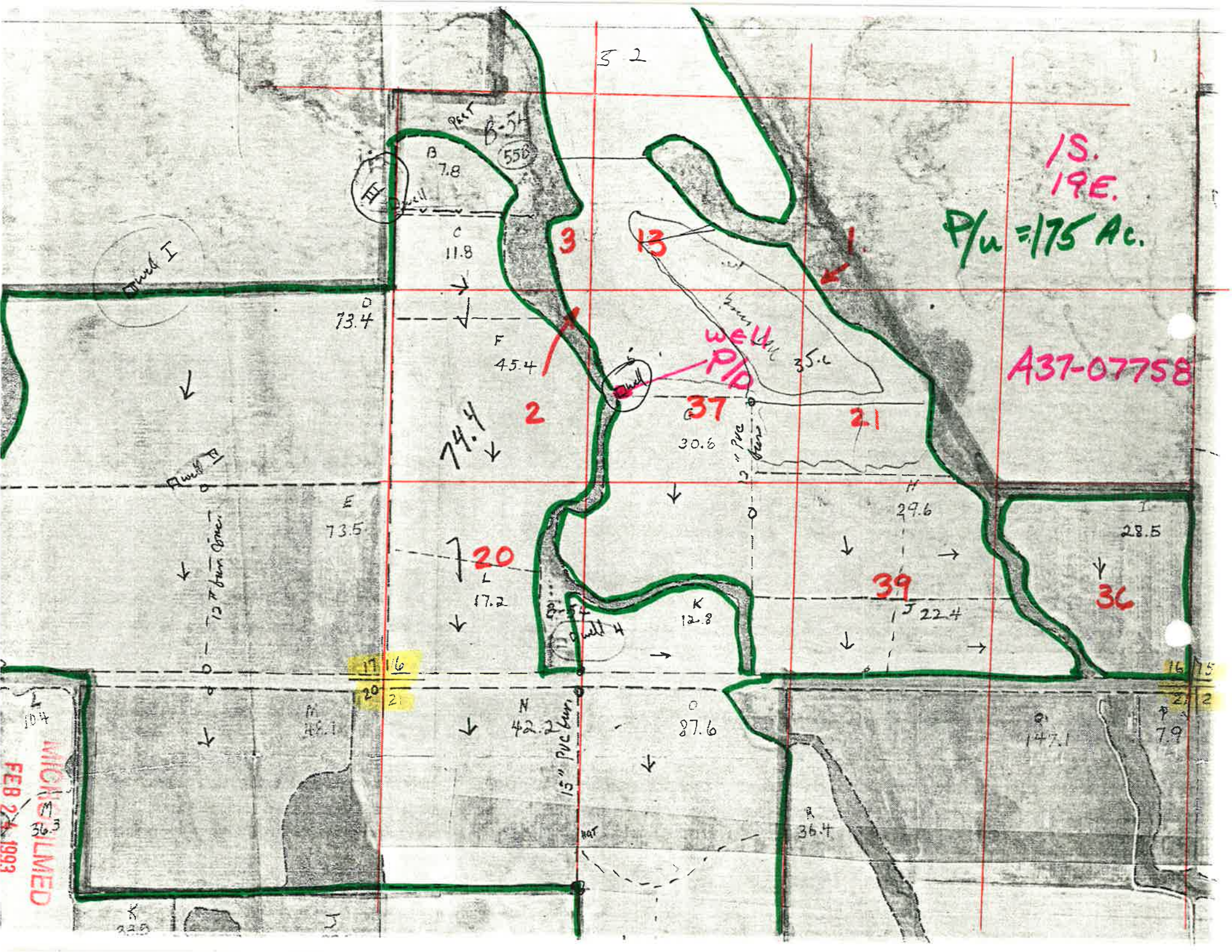
County of Twin Falls) SS.

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



5 2

1 S.
19 E.

P/u = 175 Ac.

A37-07758

part B-54
550

B 7.8

C 11.8

F 45.4

D 73.4

74.4

E 73.5

L 17.2

30.6

H 29.6

K 12.8

J 22.4

I 28.5

O 87.6

P 147.1

Q 7.9

R 36.4

MICHELLE LIMITED
FEB 24 1993

104

M 48.1

N 42.2

16 75

21 2

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

FIRST CLASS



UNITED STATES



02 1A
0004389393

\$ 00.87

MAR 08 2007

MAILED FROM ZIP CODE 83720

RECEIVED

MAR 13 2007

DEPARTMENT OF
WATER RESOURCES

37-2581
37-2599
37-2604
37-2616
37-7758

REASON CHECKED

☐ Moved, Left No Address

☒ Unable To Forward

☐ Attempted To Forward

☐ Unclaimed - Not Known

☐ No Such Street

☐ Insufficient Address

☐ Refused

☐ No Such Number

Att. _____ Init. _____

THOMAS O GARA
PO BOX 2930
HAILEY ID 83333

**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: 37-7758

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):

PLACES OF USE
MAP

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

PLACES OF USE: TOTAL 175 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

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

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

RECEIVED

JAN 08 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGIONLicense of Water Right No. 37-7758 Priority February 6, 1979 Amount 3.50 cfsTHIS IS TO CERTIFY, that H. B. Bickett

of Gooding, Idaho, has complied with the terms and conditions of Permit No. 37-7758 issued pursuant to Application for Permit dated February 6, 1979, and has submitted proof to the Department of Water Resources on February 12, 1980, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 4.06 cfs of water from a groundwater source, tributary to , and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u>	at <u>3.50</u> cfs and	<u>525</u> acre feet
	from <u></u> to <u></u>	at <u></u> cfs and	
	from <u></u> to <u></u>	at <u></u> cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 3.50 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 525 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Twp. 1S, Rge. 19E in the County of Blaine

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1S	19E	16	1					3	13	37	2	20	21	39	36				175

Total number of acres irrigated 175

This right when combined with all other rights shall provide no more than 3.0 afa per acre for the lands above.

Point of Injection into Cain Creek: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Twp. 1S, Rge. 19EPoints of Exchange from Chaney Creek: SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, Twp. 1S, Rge. 19E

Use of water under this license is subject to control by the watermaster of State Water District No. 37M, Little Wood River.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 22 day of October, 19 81.

Director

Der

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

12/21/2006

WATER RIGHT NO. 37-7758

<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: 02/06/1979

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	3.5 CFS	525 AFA
Total Diversion			3.5 CFS	

Location of Point(s) of Diversion:

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

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		SWNE	1									
				SWNW	3		SENE	13						
				NESW	37		NWSW	2		SWSW	3		SESW	20
				NWSE	21		SWSE	39		SESE	36			

Total Acres: 175

Conditions of Approval:

1.	016	See remarks for additional conditions of approval.
2.		THIS RT. WHEN COMBINED WITH ALL OTHER RTS. SHALL PROVIDE NO MORE THAN 3.0 AFA/AC FOR THE LANDS ABOVE. PT. OF INJECTION INTO CAIN CREEK: SWSW, S16, T1S, R19E. PTS. OF EXCHANGE FROM CHANEY CREEK: SENW, NWSE, S16, T1S, R19E. ***** 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: 04/19/1982

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: 37M

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

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/21/2006

WATER RIGHT NO. 37-7758

Owner Type	Name and Address
Current Owner	HARVEY B BICKETT 321 8TH AVE W GOODING, ID 83330

Priority Date: 02/06/1979

Basis: License

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	3.5 CFS	525 AFA
Total Diversion			3.5 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NESW	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		SWNE	1									
				SWNW	3		SENE	13						
				NESW	37		NWSW	2		SWSW	3		SESW	20
				NWSE	21		SWSE	39		SESE	36			

Total Acres: 175

Conditions of Approval:

1.	THIS RT. WHEN COMBINED WITH ALL OTHER RTS. SHALL PROVIDE NO MORE THAN 3.0 AFA/AC FOR THE LANDS ABOVE. PT. OF INJECTION INTO CAIN CREEK: SWSW, S16, T1S, R19E. PTS. OF EXCHANGE FROM CHANEY CREEK: SENW, NWSE, S16, T1S, R19E.
2. 016	See remarks for additional conditions of approval.

Water Right Report

Dates:

Licensed Date: 04/19/1982

Decreed Date:

Permit Proof Due Date: 4/1/1980

Permit Proof Made Date: 1/1/1900

Permit Approved Date: 3/22/1979

Permit Moratorium Expiration Date:

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: 37M

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

11/25/2006

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

RIGHT NUMBER: 37-7758

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: 3.500 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: 02/06/1979

POINT OF DIVERSION:

T01S R19E S16 SESENW Rediversion Within BLAINE County
T01S R19E S16 SWNESW Within BLAINE County
T01S R19E S16 NESWSW Injection Within BLAINE County
T01S R19E S16 NWSESE Rediversion Within BLAINE County

Water diverted under this right is exchanged by injecting water diverted under this right into Cain Creek at the point of injection described above, and diverting an equal amount from Chaney Creek at the points of rediversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	3.500 CFS 525.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01S R19E S16	SWNE	0.70	T01S R19E S16	SWNW	2.00
T01S R19E S16	SENE	8.70	T01S R19E S16	NESW	38.00
T01S R19E S16	NWSW	1.60	T01S R19E S16	SWSW	2.00
T01S R19E S16	SESW	23.00	T01S R19E S16	NWSE	24.00
T01S R19E S16	SWSE	38.00	T01S R19E S16	SESE	37.00

175 ACRES TOTAL

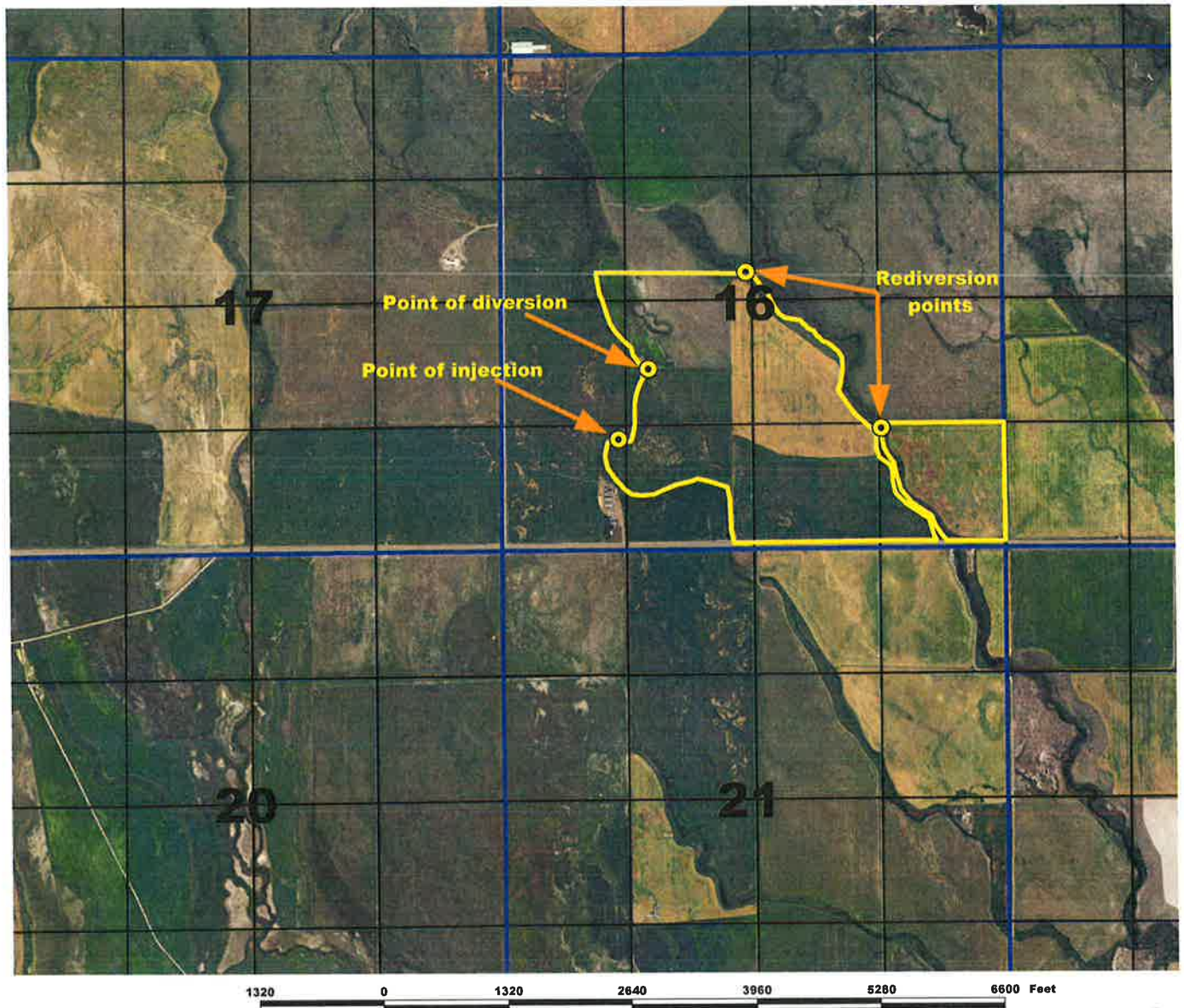
The rights listed below are limited to the irrigation of a combined total of 721.7 acres in a single irrigation season. Combined Right Nos.: 37-2581, 37-2599, 37-2604, 37-2616, & 37-7758

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 37-7758



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

- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- TOWNSHIP LINES
- SECTION LINES
- QUARTER/QUARTER LINES



LOCATION IN BASIN

GIS PLACE OF USE PRESENTATION
2004 AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN



WATER RIGHT LICENSE

THIS IS TO CERTIFY, that H. B. Bickett

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
----------------	---------------	-------------------	---------------

Subject, however, to the condition that no more than 3.50 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 525 acre feet per year, said waters to be diverted within the NE 1/4 SW 1/4, Section 16, Twp. 1S, Rge. 19E in the County of Blaine

[illegible]

Point of Injection into Cain Creek: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Twp. 1S, Rge. 19E
Points of Exchange from Chaney Creek: SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, Twp. 1S,
Rge. 19E

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

A. Howard Mann
Director

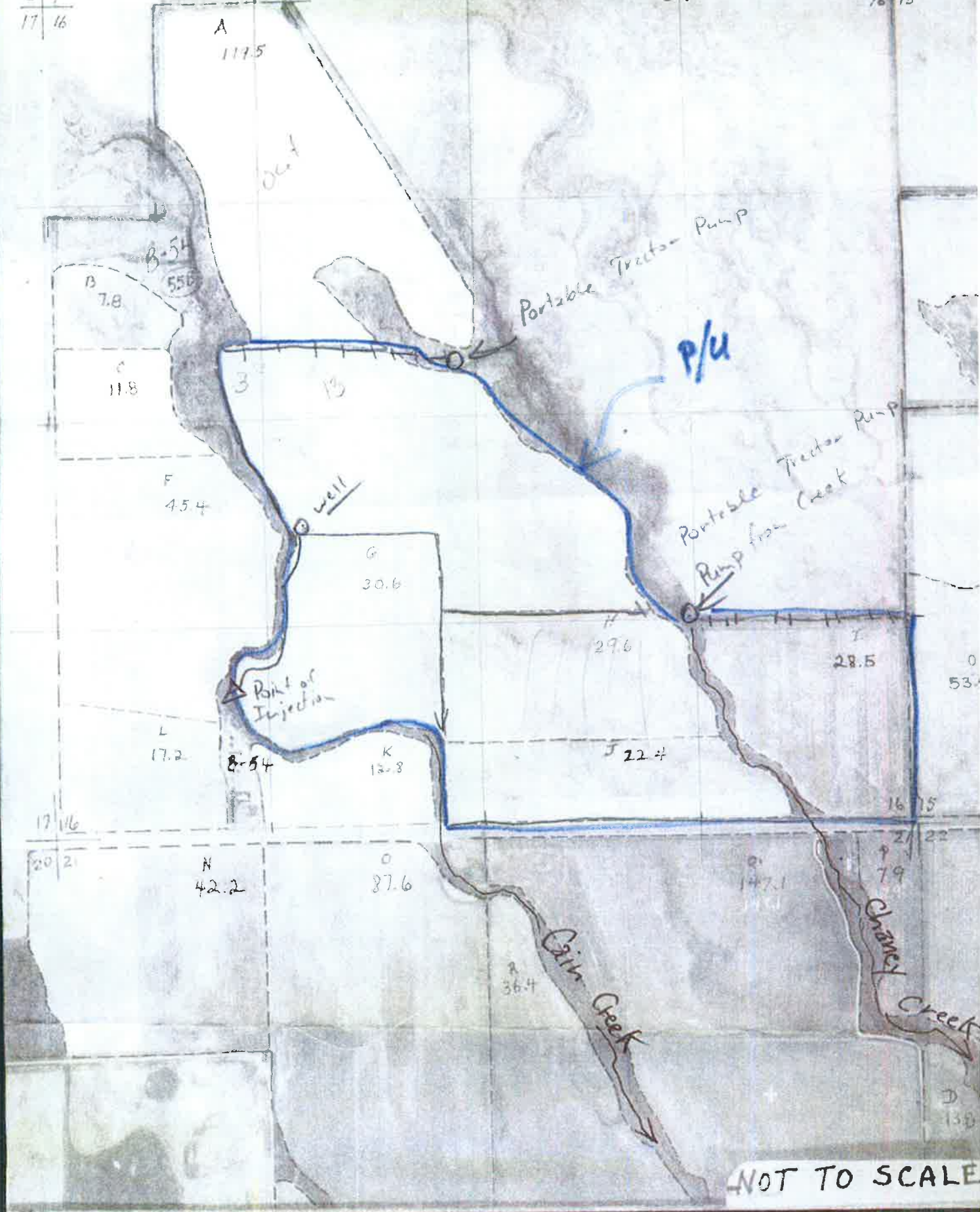
DET

47-7758

8 9
17 16

37-7758

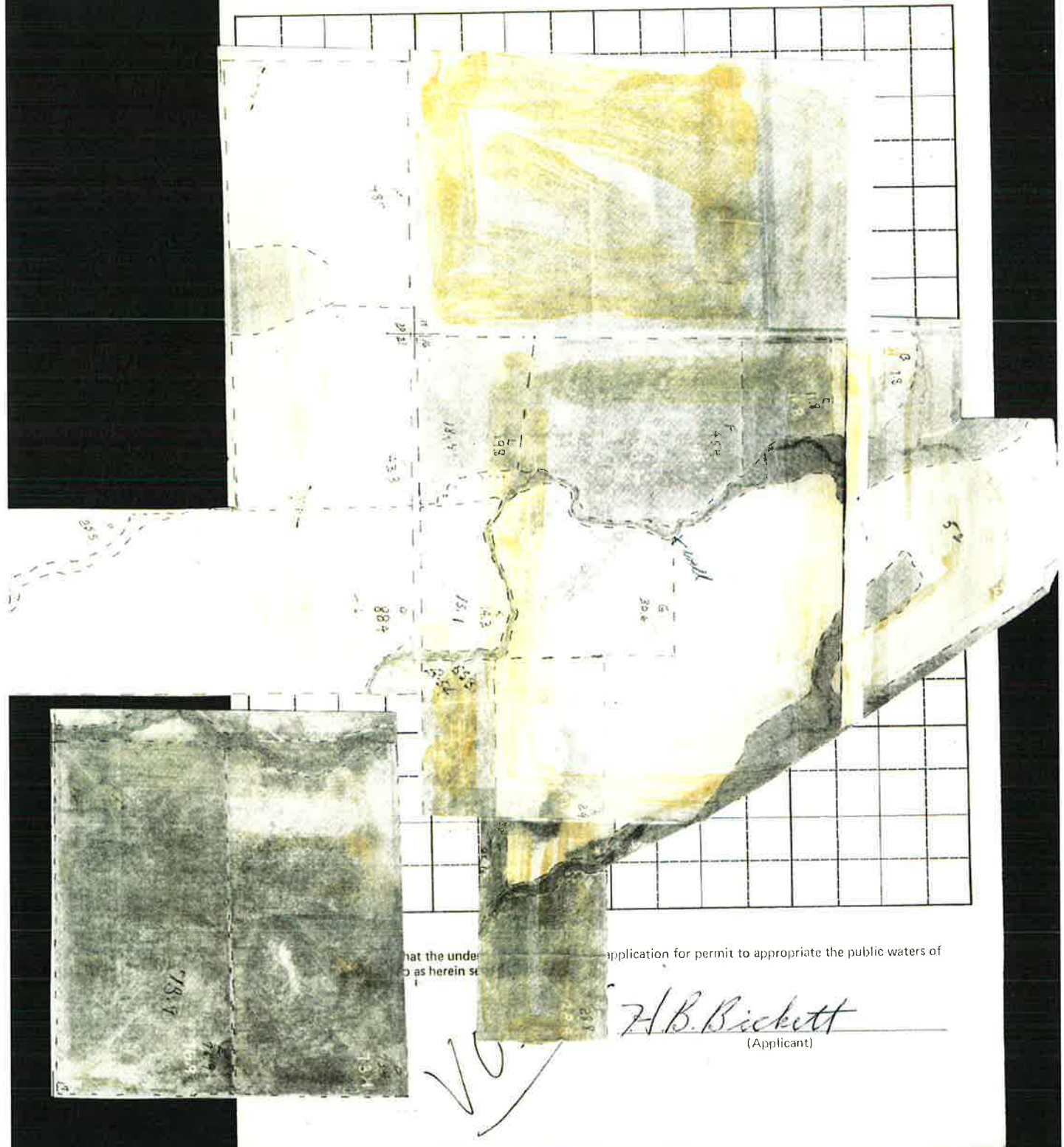
9 10
16 15



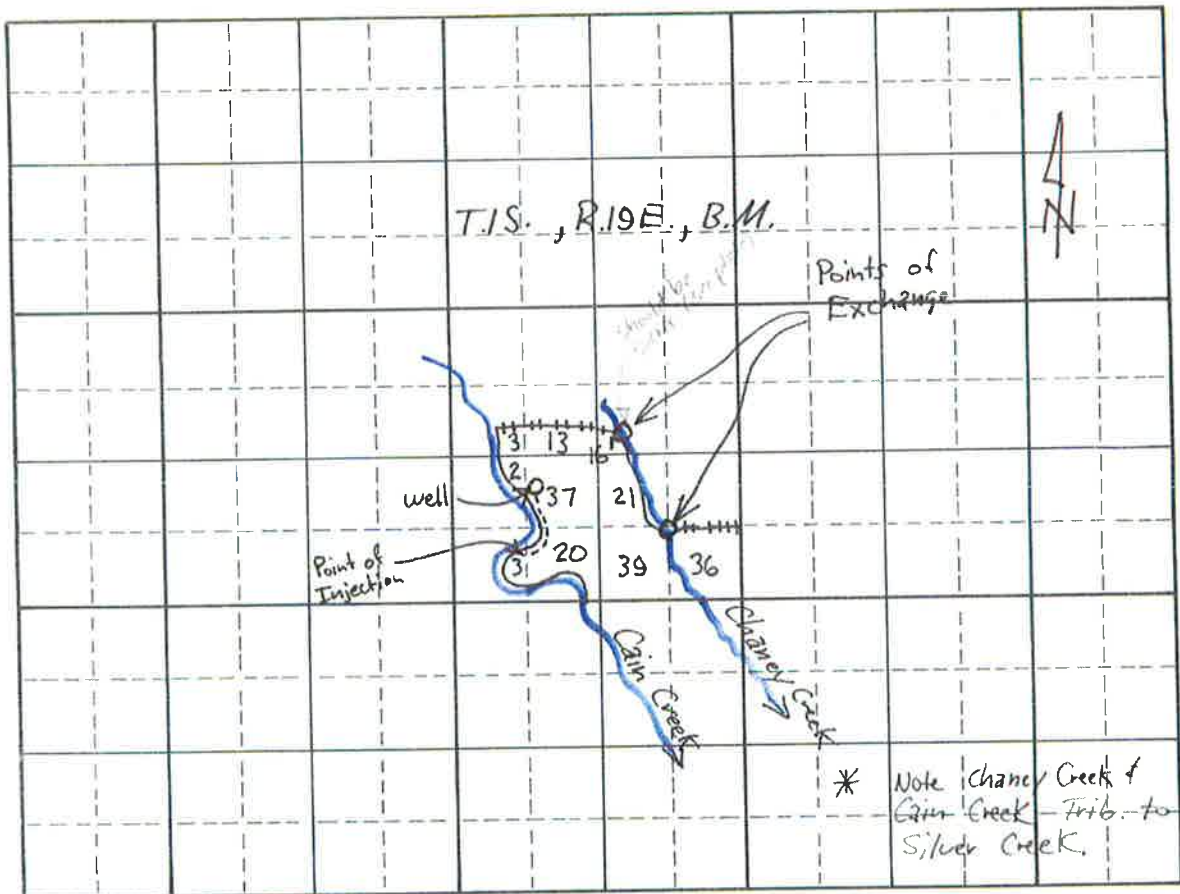
NOT TO SCALE

47-7758

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

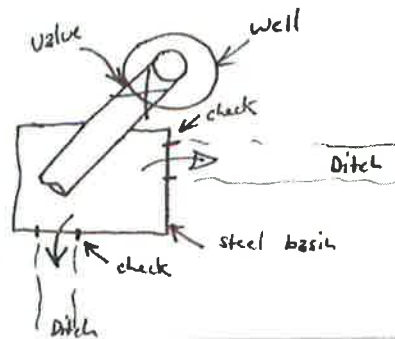


MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: NE 1/4 SW 1/4 of Sec. 16
T.S., R. 19 E., B.M.

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15.	19 E.	16			1				3	13	37	2	3	20		21	39	36	175

Recommended Amendments:

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

Examiner's Signature

Checked by

Approved

Date

Date

Date

7/14/80

7/14/1980

1/15/81

47-7758



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

December 27, 2001

KARL J. DREHER
DIRECTOR

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.

37-7758

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



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.

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.
1-25-02

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 /bh

John K. Simpson

last name
first name

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

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

Snake River Basin Adjudication
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

ADDRESS SERVICE
REQUESTED



See
37-2511
2558✓
7231✓
7232✓
10455✓
10456✓
10457✓
11 732✓
KCS

ORG NAME
37-2581 ✓ o/c
2599✓
2604✓
2616✓
7758✓
clous

to ORG NAME

BAR5013 833402010 1801 10 11/29/01
FORM 3547
BARSOTTI
PO BOX 370
KETCHUM ID 83340-0370

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



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

September 7, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

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