

RECEIVED
JUN 02 2010
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN - 1 2010	
By _____	Clerk
_____	Deputy Clerk

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

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREES

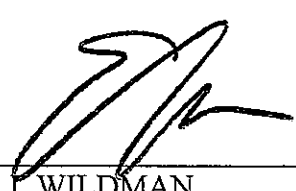
Subcases: 37-02581, 37-02599,
37-02604, 37-02616 & 37-07758
(O'Gara)

On April 15, 2010, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

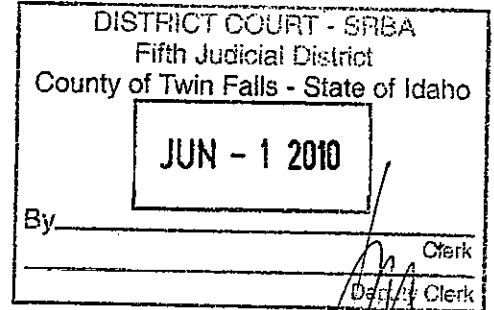
DATED June 1, 2010.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-02581



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

SOURCE: GROUND WATER

QUANTITY: 3.00 CFS
1188.00 AFY

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: 08/16/1955

POINT OF DIVERSION: T01S R19E S17 NESWSE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	3.00 CFS 1188.00 AFY

PLACE OF USE:	Irrigation	Within Blaine County
T01S R19E S16	SWNE 0.7	NENW 18.0
	NWNW 17.0	SWNW 26.0
	SENW 38.0	NESW 40.0
	NWSW 39.0	SWSW 37.0
	SESW 39.0	NWSE 24.0
	SWSE 38.0	SESE 37.0
S17	NESE 41.0	NWSE 36.0
	SWSE 39.0	SESE 39.0
S20	NENE 31.0	NWNE 20.0
S21	NENW 40.0	NWNW 40.0
	SENW 41.0	NESW 41.0
	721.7 Acres Total	

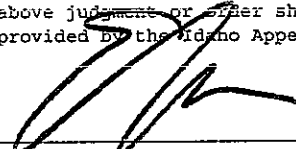
The rights listed below are limited to the irrigation of a
combined total of 721.7 acres in a single irrigation season.
Combined Right Nos.: 37-2581, 37-2599, 37-2604, 37-2616, &
37-7758

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

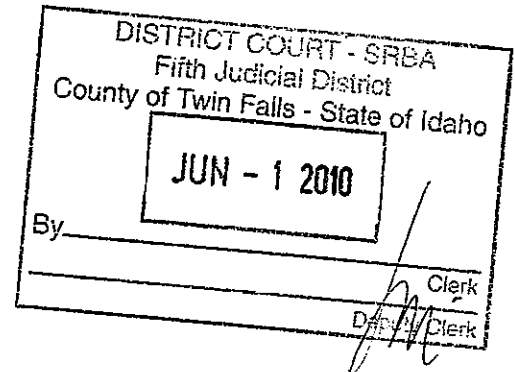
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment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



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

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-02599



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

SOURCE: GROUND WATER

QUANTITY: 1.50 CFS
594.00 AFY

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: 09/30/1957

POINT OF DIVERSION: T01S R19E S16 SESWSW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.50 CFS
			594.00 AFY

PLACE OF USE:	Irrigation	Within Blaine County
T01S R19E S16	SWNE 0.7	NENW 18.0
	NWNW 17.0	SWNW 26.0
	SENE 38.0	NESW 40.0
	NWSW 39.0	SWSW 37.0
	SESW 39.0	NWSE 24.0
	SWSE 38.0	SESE 37.0
S17	NESE 41.0	NWSE 36.0
	SWSE 39.0	SESE 39.0
S20	NENE 31.0	NWNE 20.0
S21	NENW 40.0	NWNW 40.0
	SENE 41.0	NESW 41.0
	721.7 Acres Total	

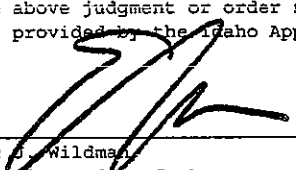
The rights listed below are limited to the irrigation of a
combined total of 721.7 acres in a single irrigation season.
Combined Right Nos.: 37-2581, 37-2599, 37-2604, 37-2616, &
37-7758

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

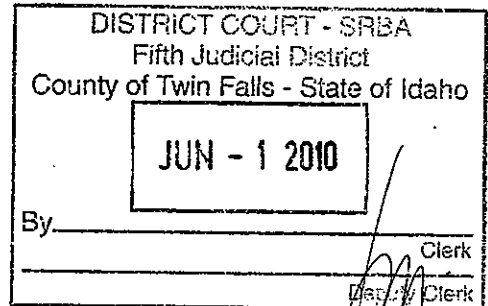
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment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



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

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-02604



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

SOURCE: GROUND WATER

QUANTITY: 2.50 CFS
990.00 AFY

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: 07/29/1958

POINT OF DIVERSION: T01S R19E S17 NENWSE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	2.50 CFS
			990.00 AFY

PLACE OF USE:	Irrigation	Within Blaine County
T01S R19E S16	SWNE 0.7	NENW 18.0
	NWNW 17.0	SWNW 26.0
	SENE 38.0	NESW 40.0
	NWSW 39.0	SWSW 37.0
	SESW 39.0	NWSE 24.0
	SWSE 38.0	SESE 37.0
S17	NESE 41.0	NWSE 36.0
	SWSE 39.0	SESE 39.0
S20	NENE 31.0	NWNE 20.0
S21	NENW 40.0	NWNW 40.0
	SENE 41.0	NESW 41.0
	721.7 Acres Total	

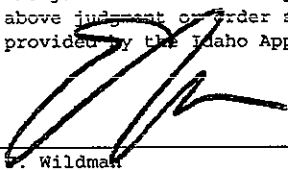
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combined total of 721.7 acres in a single irrigation season.
Combined Right Nos.: 37-2581, 37-2599, 37-2604, 37-2616, &
37-7758

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

RULE 54(b) CERTIFICATE

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

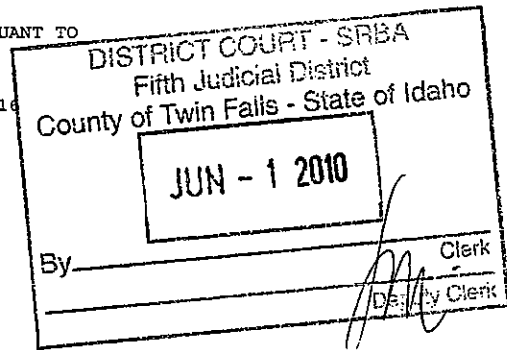


Eric W. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-02616



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

SOURCE: GROUND WATER

QUANTITY: 2.98 CFS
1180.10 AFY

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

PRIORITY DATE: 06/03/1959

POINT OF DIVERSION: T01S R19E S16 SWSWNW Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	2.98 CFS 1180.10 AFY

PLACE OF USE:	Irrigation	Within Blaine County
T01S R19E S16	SWNE 0.7	NENW 18.0
	NWNW 17.0	SWNW 26.0
	SENE 38.0	NESW 40.0
	NWSW 39.0	SWSW 37.0
	SESW 39.0	NWSE 24.0
	SWSE 38.0	SESE 37.0
S17	NESE 41.0	NWSE 36.0
	SWSE 39.0	SESE 39.0
S20	NENE 31.0	NWNE 20.0
S21	NENW 40.0	NWNW 40.0
	SENE 41.0	NESW 41.0
721.7 Acres Total		

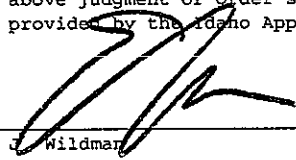
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37-7758

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

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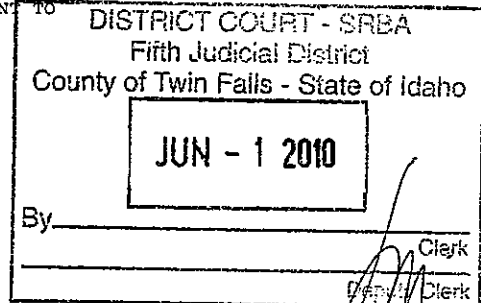


Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-07758



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

SOURCE: GROUND WATER

QUANTITY: 3.50 CFS
525.00 AFY

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
SWNESW
NESWSW (Injection)
NWSESE (Rediversion)

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:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	3.50 CFS 525.00 AFY

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R19E S16	
	SWNE 0.7	SWNW 2.0
	SENEW 8.7	NESW 38.0
	NWSW 1.6	SWSW 2.0
	SESW 23.0	NWSE 24.0
	SWSE 38.0	SESE 37.0
	175.0 Acres Total	

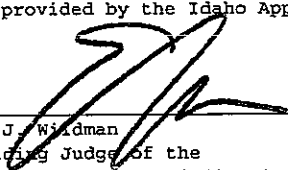
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Eric J. Widman
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on June 01, 2010, with sufficient first-class postage to the following:

THOMAS M O GARA FAMILY TRUST

Represented by:

ALBERT P BARKER

1010 W JEFFERSON, STE 102

PO BOX 2139

BOISE, ID 83701-2139

Phone: 208-336-0700

DIRECTOR OF IDWR

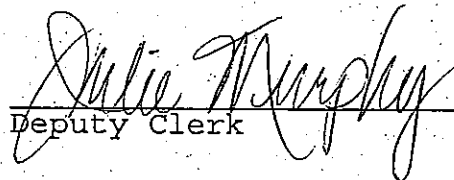
PO BOX 83720

BOISE, ID 83720-0098

ORDER

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Deputy Clerk