

MAR - 8 2011

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

Clerk
Deputy Clerk

In Re SRBA

Subcase No.: 37-1223

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

J. Evan Robertson
Attorney for the Buich 1995 Family
Trust

Date

IDWR CONCURRENCE:

Steve Clelland
Sr. Water Resource Agent

Date

IDWR CONCURRENCE:

Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

Date

12/08/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-1223

NAME AND ADDRESS: BUICH 1995 FAMILY TRUST
PO BOX 1084
ALAMO CA 94507-1084

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.600 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: ~~12/28/1932~~ 3/29/1877

~~Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from developed water in Silver Creek.~~

Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from saved or developed water in Silver Creek, as established, controlled by, and subject to the provisions within the Brett v. Chapman decree (Lincoln County Case No. 2816, entered December 28, 1932).

POINT OF
DIVERSION:

T01S R20E S36 SWNNW Within BLAINE County
T01S R20E S36 SESWNW Within BLAINE County
T01S R20E S36 SESWNW Within BLAINE County
T01S R20E S36 SWSNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.600 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01S R20E S36	SWNE	<u>1.60</u> ~~1.40~~	T01S R20E S36	SWNW	<u>2.00</u> ~~1.40~~
T01S R20E S36	SESW	<u>0.50</u> ~~0.20~~	T01S R20E S36	NESW	<u>5.40</u> ~~5.50~~
T01S R20E S36	NWSW	<u>23.0</u> ~~20.0~~	T01S R20E S36	SWSW	2.10
T01S R20E S36	SESW	16.00	T01S R20E S36	NWSE	<u>22.00</u> ~~21.00~~

STOCKWATER same as IRRIGATION

~~67.6~~ 72.6 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-90C IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF ~~67.6~~ 72.6 ACRES IN A SINGLE IRRIGATION SEASON.

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

See
INBS

DSR

CERTIFICATE OF SERVICE

I certify that on March 7, ²⁰¹¹~~2010~~, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

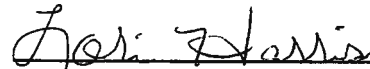
2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

J. Evan Robertson
Robertson & Slette, PLLC
P.O. Box 1906
Twin Falls, ID 83303-1906

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form