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DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |                       |
|-----------------------------------------------------------------------------------------|-----------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                       |
| JUL 11 2011                                                                             |                       |
| By _____                                                                                | Clerk<br>Deputy Clerk |

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

|                |   |                             |
|----------------|---|-----------------------------|
| In Re SRBA     | ) | SPECIAL MASTER'S REPORT AND |
|                | ) | RECOMMENDATION; FINDINGS OF |
| Case No. 39576 | ) | FACT AND CONCLUSIONS OF LAW |
|                | ) |                             |
|                | ) | FOR WATER RIGHT: 37-90C     |
| _____          | ) |                             |

I. FINDINGS OF FACT

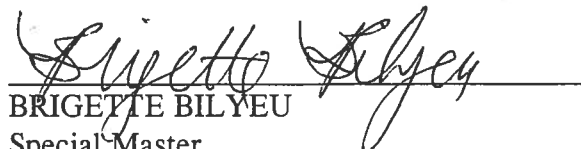
A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

An *Objection* was filed by Buich 1995 Family Trust on November 22, 2006. The *Objection* was resolved on March 8, 2011 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: July 11, 2011.

  
BRIGETTE BILYEU  
Special Master  
Snake River Basin Adjudication

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

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 37-00090C

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| JUL 11 2011                                                                             |
| By _____ Clerk<br>Deputy Clerk                                                          |

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

SOURCE: SILVER CREEK TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 0.40 CFS

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

PRIORITY DATE: 06/30/1895

POINT OF DIVERSION: T01S R20E S36 SWNNWN Within Blaine County  
SESNNW  
SESNNW  
SWSENNW

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Irrigation     | 04-15 TO 10-31 | 0.40 CFS |
|                            | Stockwater     | 01-01 TO 12-31 | 0.03 CFS |

| PLACE OF USE: | Irrigation       | Within Blaine County                            |
|---------------|------------------|-------------------------------------------------|
|               | T01S R20E S36    | SWNE 1.6<br>SENNW 0.5<br>NWSW 23.0<br>SESW 16.0 |
|               |                  | SWNNW 2.0<br>NESW 5.4<br>SWSW 2.1<br>NWSE 22.0  |
|               | 72.6 Acres Total |                                                 |

Stockwater Within Blaine County  
Same as Irrigation

USE OF THIS RIGHT WITH RIGHT NO. 37-1223 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 72.6 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE 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. I.C. SECTION 42-1412(6).

|                                         |
|-----------------------------------------|
| RECOMMENDATION                          |
| JUL 11 2011                             |
| <i>Bugetta Lilien</i><br>SPECIAL MASTER |

|                                                                                         |                       |
|-----------------------------------------------------------------------------------------|-----------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                       |
| JUL 11 2011                                                                             |                       |
| By _____                                                                                | Clerk<br>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 )  
 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

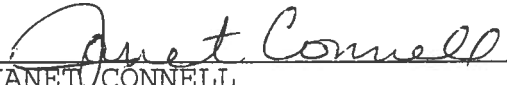
Water Right(s): 37-00090C

On July 11, 2011, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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

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

DATED July 11, 2011.

  
JANET CONNELL  
Deputy Clerk

|                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------|
| <b>DISTRICT COURT-SRBA</b><br>Fifth Judicial District<br>County of Twin Falls - State of Idaho                                 |
| <div style="border: 1px solid black; padding: 10px; width: fit-content; margin: 0 auto;">           JUL 11 2011         </div> |
| By _____ <div style="float: right; text-align: right;"> <small>Clerk</small><br/> <small>Deputy Clerk</small> </div>           |

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

In Re SRBA )  
 )  
 Case No. 39576 )  
 \_\_\_\_\_ )

CERTIFICATE OF MAILING

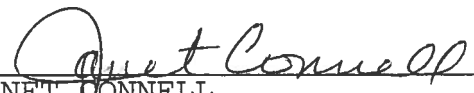
Water Right(s) : 37-00090C

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 11, 2011, with sufficient first-class postage prepaid to the following:

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

BUICH 1995 FAMILY TRUST  
 Represented by:  
 JOHN E. ROBERTSON  
 PO BOX 1906  
 TWIN FALLS, ID 83303  
 Phone: 208-933-0700

  
 \_\_\_\_\_  
 JANET CONNELL  
 Deputy Clerk

CERTIFICATE OF MAILING

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07/11/11