

COPY

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MAR 9 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 MAR 7 AM 9 21

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

Subcase No. 37-4099, 37-4383,
37-4384, 37-4386

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

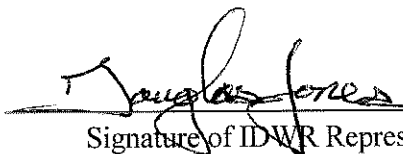
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 3-6-07


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 3/7, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

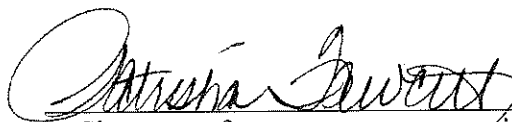
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

James P Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340



Signature of person or attorney mailing the form

03/6/2007

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-4099	BLACK BUTTE HILLS LLC PO BOX 1607 BELLEVUE WA 98009	Disallowed	No lawful appropriation shown.

03/6/2007

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-4383	BLACK BUTTE HILLS LLC PO BOX 1607 BELLEVUE WA 98009	Disallowed	No lawful appropriation shown.

03/6/2007

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-4384	BLACK BUTTE HILLS LLC PO BOX 1607 BELLEVUE WA 98009	Disallowed	No lawful appropriation shown.

03/6/2007

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-4386	BLACK BUTTE HILLS LLC PO BOX 1607 BELLEVUE WA 98009	Disallowed	No lawful appropriation shown.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

SOUTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 6, 2007

JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: SRBA Claim(s) 37-4099, 37-4383, 37-4384, 37-4386

Dear Jim:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely, 

Trish Fawcett
Technical Records Specialist

Enclosures

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

RECEIVED
DEC 27 2005
 Department of Water Resources
 Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form
 Incomplete forms will be returned

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
_____	37-4099	_____	_____	_____	_____
_____	37-4383	_____	_____	_____	_____
_____	37-4384	_____	_____	_____	_____
_____	37-4386	_____	_____	_____	_____
37-4094	_____	_____	_____	_____	_____

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See Instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) South Cove Ventures, LLC
Post Office Box 1607, Bellevue Washington 98009
4. New Owner/Claimant(s) Black Butte Hills LLC
 Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address Post Office Box 1607
- City, State and Zip Code Bellevue, Washington 98009
- New Telephone Number (425) 688-9304
5. Date you acquired the property July 11, 2005

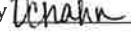
6. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (Cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. **DESCRIPTION OF YOUR PORTION OF WATER RIGHT**
Signature of New owner(s) or Claimant(s) BLACK BUTTE HILLS, LLC
(include title if applicable)
By: 
CHUCK HILL, President

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use only

Received by  Date 12/27/05 Fee 25.00
 Receipted by  Date 1/9/06 Receipt No. 5028274
 Processed by _____ AJ Date _____ WR _____ Date _____

G040302
RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
James P. Speck, Esq.
SPECK & AANESTAD
A Professional Corporation
Post Office Box 987
Ketchum, Idaho 83340

Instrument # 212030
GOODING, GOODING, IDAHO
2005-07-13 04:26:43 No. of Pages: 9
Recorded for : GOODING TITLE
HELEN EDWARDS Fee: 27.00
Ex-Officio Recorder Deputy *Helen Edwards*

(Space above line for Recorder's use)

WARRANTY DEED

FOR VALUE RECEIVED, SOUTH COVE VENTURES, L.L.C., a Washington limited liability company, whose address is c/o Chuck Hill, P.O. Box 1607, Bellevue, WA, 98009 ("Grantor" whether one or more), hereby grants, bargains, sells and conveys unto BLACK BUTTE HILLS LLC, a Washington limited liability company, whose current address is c/o Charles E. Hill, P.O. Box 1607, Bellevue, WA, 98009 ("Grantee", whether one or more), that certain real property situated in Gooding County, Idaho and described in **Exhibit A** attached hereto and incorporated herein by this reference;

TOGETHER WITH the any and all water rights appurtenant thereto including, but not limited to, SRBA Claims Nos. 37-4383, 37-4384, 37-4386 and 37-4099, and Water No. 37-4094;

TOGETHER WITH 24 shares of stock in American Falls Reservoir Company No. 2 and 764 shares of stock in Big Wood Canal Company represented by certificates nos. 11441 and 11442;

SUBJECT TO all easements and restrictions of record;

TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the Grantor will warrant and defend the same from all lawful claims whatsoever.

This Warranty Deed may be executed in one or more counterparts, all of which together shall constitute one and the same Warranty Deed.

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed as of the dates set forth below.

"GRANTOR"

SOUTH COVE VENTURES, L.L.C.

By: Charles E. Hill
Charles E. Hill, President

On this 11th day of July, 2005, before me, the undersigned notary public in and for said state, personally appeared Charles E. Hill, known or identified to me to be president of SOUTH COVE VENTURES, L.L.C., a Washington limited liability company, and the person who executed the foregoing instrument on behalf of said limited liability company and acknowledged to me that said limited liability company executed the same.

KATHY A. ACKERMAN
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
JUNE 9, 2008

Kathy A. Ackerman
Notary Public for Washington
Residing at: ISSAQUAH
Comm. Expires: 6/9/08

EXHIBIT "A"

PARCEL 1

Township 4 South, Range 15 East, Boise Meridian, Gooding County, Idaho

Section 25: S $\frac{1}{2}$ SE $\frac{1}{4}$

Section 36: NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$

Township 4 South, Range 16 East, Boise Meridian, Gooding County, Idaho

Section 30: Lot 3

Section 31: Lot 3 and that part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying West of Thorn Creek.

Township 4 South, Range 16 East, Boise Meridian, Gooding County, Idaho

A parcel of land located in Sections 30 and 31, more particularly described as follows:

Commencing at the West quarter corner of Section 31 and being THE TRUE POINT OF BEGINNING;

THENCE North 0°03'51" West along the West boundary of Section 31 for a distance of 2638.23 feet to the Northwest corner of Section 31;

THENCE North 0°11'51" West along the West boundary of Section 30 for a distance of 1317.80 feet to the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30;

THENCE South 89°58'28" East along the North boundary of the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 30 for a distance of 2564.64 feet to the center of Preacher Creek;

THENCE along the center of Preacher Creek on the following courses:

South 29°31'14" West, 53.02 feet;

South 42°35'33" West, 75.06 feet;

South 36°04'40" West, 129.01 feet;

South 26°55'26" East, 84.12 feet;

South 25°15'58" West, 66.62 feet;

South 15°06'01" East, 136.13 feet;

South 02°32'04" East, 79.51 feet;

South 25°14'16" West, 130.95 feet;

South 03°48'48" West, 148.10 feet;

South 36°19'28" West, 29.68 feet;

South 08°57'11" West, 136.38 feet;

South 21°18'00" East, 118.28 feet;

South 59°22'56" West, 211.41 feet;

South 15°54'25" East, 168.03 feet;

South 37°32'13" East, 265.16 feet;
South 54°20'46" East, 71.47 feet;
South 32°33'05" East, 231.75 feet;
South 00°59'11" West, 86.50 feet;
South 23°17'30" West, 123.41 feet;
South 28°34'58" East, 52.36 feet;
South 66°20'07" East, 110.19 feet;
South 85°11'50" East, 94.16 feet;
North 79°05'35" East, 150.27 feet;
South 59°52'59" East, 49.79 feet;
South 31°24'39" East, 27.66 feet;
South 56°14'04" East, 34.46 feet;
North 80°02'54" East, 81.70 feet;
South 51°22'45" East, 60.87 feet;
South 09°39'12" West, 36.14 feet;
South 57°35'41" West, 139.46 feet;
South 12°59'07" West, 106.48 feet;
South 41°21'08" East, 74.18 feet;
South 89°40'27" East, 127.67 feet;
South 38°41'36" East, 67.95 feet;
North 84°13'46" East, 40.50 feet;
South 38°43'05" East, 24.13 feet;
South 04°47'47" West, 37.19 feet;
South 32°53'08" East, 78.56 feet;
South 30°57'47" West, 93.20 feet;
South 45°51'59" West, 55.04 feet;
South 61°40'56" West, 45.57 feet;
North 81°11'18" West, 130.10 feet;
South 77°27'26" West, 56.87 feet;
South 37°10'43" West, 121.42 feet;
South 17°01'36" West, 68.89 feet;
South 08°08'56" West, 70.28 feet;
South 31°55'44" West, 39.52 feet;
South 01°27'47" East, 72.37 feet;
South 35°52'58" West, 22.70 feet;
South 01°49'02" East, 57.96 feet;
South 16°03'53" West, 38.77 feet;
North 70°46'32" West, 24.10 feet;
South 52°35'08" West, 70.09 feet;
South 88°20'20" West, 71.75 feet;
South 62°01'58" West, 55.35 feet;
South 48°32'14" West, 31.94 feet;
South 03°31'48" West, 194.91 feet;

South 73°59'48" West, 49.24 feet;
South 88°50'28" West, 52.37 feet;
North 66°52'25" West, 48.89 feet;
North 80°09'31" West, 66.56 feet;
South 64°46'29" West, 24.43 feet;
North 87°40'00" West, 23.41 feet;
South 51°15'19" West, 25.79 feet;
South 05°40'17" West, 45.57 feet to the junction of Preacher Creek and Thorn Creek;
THENCE along the center of Thorn Creek on the following courses:
South 11°39'10" West, 65.79 feet;
South 57°51'16" West, 37.67 feet;
North 63°32'31" West, 38.11 feet;
South 80°44'42" West, 22.04 feet;
South 12°01'52" West, 53.55 feet;
South 03°19'05" West, 70.74 feet;
South 06°59'19" East, 80.14 feet;
South 14°02'21" West, 68.86 feet;
South 08°10'05" West, 97.04 feet to a point on the South boundary of the NW¼ of Section 31;
THENCE leaving the center of Thorn Creek North 89°52'39" West along the South boundary of
the NW¼ of Section 31 for a distance of 2188.61 feet to the West quarter corner of Section 31
and being the TRUE POINT OF BEGINNING.

SUBJECT to a 25.00 foot wide county road right of way along the Southerly boundary of the
above described parcel.

PARCEL 2

Township 4 South, Range 16 East, Boise Meridian, Gooding County, Idaho

That part of the SE¼SW¼ of Section 30 and the E½NW¼, W½NE¼, and SE¼NE¼ of Section
31, lying Easterly of the following described line:

Beginning at a point South 89°58'28" East, 2564.64 feet from the Northwest corner of the
SW¼SW¼ of Section 30, said point being in the center of Preacher Creek;
THENCE along the center of Preacher Creek on the following courses:
South 29°31'14" West, 53.02 feet;
South 42°35'33" West, 75.06 feet;
South 36°04'40" West, 129.01 feet;
South 26°55'26" East, 84.12 feet;
South 25°15'58" West, 66.62 feet;
South 15°06'01" East, 136.13 feet;
South 02°32'04" East, 79.51 feet;
South 25°14'16" West, 130.95 feet;

South 03°48'48" West, 148.10 feet;
South 36°19'28" West, 29.68 feet;
South 08°57'11" West, 136.38 feet;
South 21°18'00" East, 118.28 feet;
South 59°22'56" West, 211.41 feet;
South 15°54'25" East, 168.03 feet;
South 37°32'13" East, 265.16 feet;
South 54°20'46" East, 71.47 feet;
South 32°33'05" East, 231.75 feet;
South 00°59'11" West, 86.50 feet;
South 23°17'30" West, 123.41 feet;
South 28°34'58" East, 52.36 feet;
South 66°20'07" East, 110.19 feet;
South 85°11'50" East, 94.16 feet;
North 79°05'35" East, 150.27 feet;
South 59°52'59" East, 49.79 feet;
South 31°24'39" East, 27.66 feet;
South 56°14'04" East, 34.46 feet;
North 80°02'54" East, 81.70 feet;
South 51°22'45" East, 60.87 feet;
South 09°39'12" West, 36.14 feet;
South 57°35'41" West, 139.46 feet;
South 12°59'07" West, 106.48 feet;
South 41°21'08" East, 74.18 feet;
South 89°40'27" East, 127.67 feet;
South 38°41'36" East, 67.95 feet;
North 84°13'46" East, 40.50 feet;
South 38°43'05" East, 24.13 feet;
South 04°47'47" West, 37.19 feet;
South 32°53'08" East, 78.56 feet;
South 30°57'47" West, 93.20 feet;
South 45°51'59" West, 55.04 feet;
South 61°40'56" West, 45.57 feet;
North 81°11'18" West, 130.10 feet;
South 77°27'26" West, 56.87 feet;
South 37°10'43" West, 121.42 feet;
South 17°01'36" West, 68.89 feet;
South 08°08'56" West, 70.28 feet;
South 31°55'44" West, 39.52 feet;
South 01°27'47" East, 72.37 feet;
South 35°52'58" West, 22.70 feet;
South 01°49'02" East, 57.96 feet;
South 16°03'53" West, 38.77 feet;

North 70°46'32" West, 24.10 feet;
South 52°35'08" West, 70.09 feet;
South 88°20'20" West, 71.75 feet;
South 62°01'58" West, 55.35 feet;
South 48°32'14" West, 31.94 feet;
South 03°31'48" West, 194.91 feet;
South 73°59'48" West, 49.24 feet;
South 88°50'28" West, 52.37 feet;
North 66°52'25" West, 48.89 feet;
North 80°09'31" West, 66.56 feet;
South 64°46'29" West, 24.43 feet;
North 87°40'00" West, 23.41 feet;
South 51°15'19" West, 25.79 feet;
South 05°40'17" West, 45.57 feet to the junction of Preacher Creek and Thorn Creek;
THENCE along the center of Thorn Creek on the following courses:
South 11°39'10" West, 65.79 feet;
South 57°51'16" West, 37.67 feet;
North 63°32'31" West, 38.11 feet;
South 80°44'42" West, 22.04 feet;
South 12°01'52" West, 53.55 feet;
South 03°19'05" West, 70.74 feet;
South 06°59'19" East, 80.14 feet;
South 14°02'21" West, 68.86 feet;
South 08°10'05" West, 97.04 feet to a point on the South boundary of the NW¼ of Section 31.

SUBJECT to a 25.0 foot wide county road right of way along the Southerly boundary of the above described parcel.

PARCEL NO. 3

Township 4 South, Range 16 East, Boise Meridian, Gooding County, Idaho

Section 31: SE¼ and that part of the E½SW¼ lying East of the centerline of Thorn Creek

SUBJECT TO a 25 foot wide county road easement along the North and East boundaries.

EXCEPT

Township 4 South, Range 16 East, Boise Meridian, Gooding County, Idaho

Section 31: A parcel of land located in the NE¼SE¼, more particularly described as follows:

Commencing at the East One Quarter corner of said Section 31, from which the Southeast corner of said Section 31 bears South 00°11'25" East 2646.05 feet, said East One Quarter corner being the TRUE POINT OF BEGINNING;

THENCE South 00°11'25" East along the East boundary of the SE¼ of said Section 31 for a distance of 86.20 feet;

THENCE South 75°47'52" West for a distance of 178.12 feet;

THENCE South 85°51'08" West for a distance of 132.78 feet;

THENCE South 79°39'21" West for a distance of 71.21 feet;

THENCE South 73°30'32" West for a distance of 68.93 feet;

THENCE North 38°46'25" West for a distance of 220.43 feet to a point on the North boundary of the SE¼ of said Section 31;

THENCE North 90°00'00" East along the North boundary of the SE¼ of said Section 31 for a distance of 579.00 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 4

Township 4 South, Range 16 East of the Boise Meridian, Gooding County, Idaho

Section 31: SE¼SW¼, lying West of Thorn Creek

EXCEPT that portion described as Tax 1 and being more particularly described as follows:

BEGINNING at the Southwest corner of the E½SW¼ of said Section 31;

THENCE North 1,030 feet;

THENCE East 50 feet, more or less, to the center of Thorn Creek as it presently exists;

THENCE in a Southerly direction along the center of said Thorn Creek to the South boundary of the E½SW¼ of Section 31;

THENCE 700 feet, more or less, due West to the TRUE POINT OF BEGINNING.

PARCEL NO. 5

An Easement created in Agreement dated July 30, 1970 by and between Thorn Creek Ranch, Inc., a corporation and Curtis R. Glasscock and Kathryn Glasscock, husband and wife recorded January 6, 1972 as Instrument No. 38495 over the following described land:

S½SW¼, SW¼NE¼, NW¼SE¼ Section 32, Township 4 South, Range 16 East, Boise Meridian, Gooding County, Idaho.

PARCEL NO. 6

An Easement created in Agreement dated July 30, 1970 by and between Thorn Creek Ranch, Inc., a corporation and Curtis R. Glasscock and Kathryn Glasscock, husband and wife recorded January 6, 1972 as Instrument No. 38496 over the following described land:

S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, Township 4 South, Range 16 East, Boise Meridian, Gooding County, Idaho.

PARCEL NO. 7

An Easement created in Easement Agreement dated January 18, 1990 by and between Edwin R. Brown and Clarissa Brown, husband and wife, Paul T. Walton and Helen B. Walton, husband and wife and the United States of America, acting by and through the Farmers Home Administration recorded April 30, 1990 as Instrument No. 140726 over the following described land:

Township 4 South, Range 16 East, Boise Meridian, Gooding County, Idaho

Section 31: Lot 4 and that portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ lying West of Thorn Creek