

**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.: 37-4386
) (Formerly Disallowed)

) 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. D. Speck 2.11.08
James J. Speck Date
Attorney for Black Butte Hills LLC

IDWR CONCURRENCE:

Carter Fritschle 2-5-08
Carter Fritschle Date
Section Manager Adjudication Bureau

IDWR CONCURRENCE:

Nicholas B. Spencer 2-5-08
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

02/11/2008

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

RIGHT NUMBER: 37-4386

NAME AND ADDRESS: BLACK BUTTE HILLS LLC
PO BOX 1607
BELLEVUE WA 98009

SOURCE: THORN CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 10.000 CFS

PRIORITY DATE: 04/01/1910

POINT OF DIVERSION:

T04S R15E S25 SWNE Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

IRRIGATION

PERIOD OF USE

04/01 11/01

QUANTITY

10.000 CFS

PLACE OF USE:

IRRIGATION in GOODING County

T04S R15E S25	SWSE	39.00	T04S R15E S25	SESE	40.00
T04S R15E S36	NENE	39.00	T04S R15E S36	NWNE	39.00
T04S R15E S36	SWNE	37.00	T04S R15E S36	SENE	35.00
T04S R15E S36	NENW	40.00	T04S R15E S36	SENW	26.00
T04S R16E S30 Lot 4	SWSW	4.00	T04S R16E S31	NENW	6.00
T04S R16E S31 Lot 1	NWNW	37.00	T04S R16E S31 Lot 2	SWNW	31.00
T04S R16E S31	SENW	18.00	T04S R16E S31	NESW	19.00

410 ACRES TOTAL

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 - Beneficial Use

Use of this right is combined with water from American Falls Reservoir Dist. No. 2.

Use of this right is combined with water from Big Wood Canal Co.

CERTIFICATE OF SERVICE

I certify that on February 11, 2008, 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

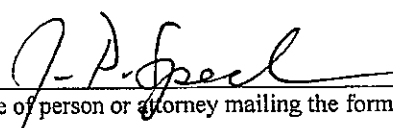
2. Copies to:

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

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

James P. Speck
Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

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



Signature of person or attorney mailing the form