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DEPARTMENT OF
WATER RESOURCES

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	)	Subcase No.: 37-2211
	)	(Uncontested Overlap)
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

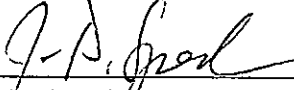
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

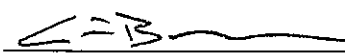
Black Butte Hills L.L.C.

 7.14.09
James P. Speck Date
Attorney for Black Butte Hills L.L.C.

IDWR CONCURRENCE:

 9/4/09
Steve Clelland Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

 9/4/09
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

09/02/2009

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

RIGHT NUMBER: 37-2211

NAME AND ADDRESS: BLACK BUTTE HILLS LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

SOURCE: SPRING

TRIBUTARY: SINKS ~~UNNAMED STREAM~~

QUANTITY: 1.700 CFS

Right Nos. 37-2211 and 37-11989 are limited to a total combined diversion rate of 1.70 cfs.

PRIORITY DATE: 05/09/1911

POINT OF
DIVERSION:

T02S R17E S11 NESESE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.700 CFS

PLACE OF USE: IRRIGATION in BLAINE County and CAMAS County

T02S R17E S01	SWNW	9.00	T02S R17E S01	NWSW	34.00
T02S R17E S01	SWSW	39.00	T02S R17E S02	SENE	0.40
T02S R17E S02	SWSW	1.50	T02S R17E S02	SESW	30.00
T02S R17E S02	NESE	33.00	T02S R17E S02	NWSE	3.10
T02S R17E S02	SWSE	37.00	T02S R17E S02	SESE	40.00
T02S R17E S11	NENE	40.00	T02S R17E S11	NWNE	34.00
T02S R17E S11	SWNE	28.00	T02S R17E S11	SENE	33.00
T02S R17E S11	NENW	34.00	T02S R17E S11	SENW	15.00
T02S R17E S11	NESE	20.00	T02S R17E S11	NWSE	12.00
T02S R17E S11	SWSE	19.00	T02S R17E S11	SESE	27.00
T02S R17E S12	SWNE	20.00	T02S R17E S12	NENW	19.00
T02S R17E S12	NWNW	40.00	T02S R17E S12	SWNW	40.00
T02S R17E S12	SENW	38.00	T02S R17E S12	NESW	38.00
T02S R17E S12	NWSW	40.00	T02S R17E S12	SWSW	28.00
T02S R17E S12	SESW	11.00	T02S R17E S12	NWSE	24.00

787 ACRES TOTAL

This right is limited to the irrigation of 85 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 787 acres in a single irrigation season. Combined Right Nos.: 37-2211, 37-11989, 37-20556, 37-20563, & 37-20568.

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.

SCL
CB 9/15

09/02/2009

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

SCC
CB 7/13

CERTIFICATE OF SERVICE

I certify that on Sept. 14, 2009, 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

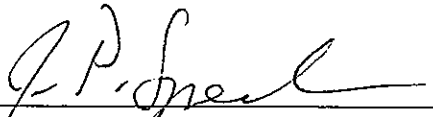
2. Copies to:

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