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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.: 37-11989    |
|                | ) | (Formerly Disallowed)    |
| Case No. 39576 | ) |                          |
|                | ) | STANDARD FORM 5          |
|                | ) |                          |
|                | ) | STIPULATED ELEMENTS OF A |
|                | ) | WATER RIGHT              |

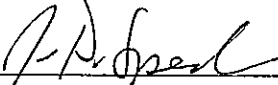
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

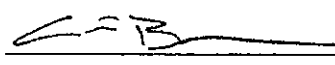
Black Butte Hills L.L.C.

 9.14.09  
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

07/13/2009

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

RIGHT NUMBER: 37-11989

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

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 1.700 CFS

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

The capacity of the storage reservoir is 20.5 AF. The reservoir may be refilled multiple times in a single year.

PRIORITY DATE: 04/15/1957

POINT OF DIVERSION:

T02S R17E S11 NWNWSE Within CAMAS County

T02S R17E S11 NWSESE Within CAMAS County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>   | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-------------------------|----------------------|-----------------|
| DIVERSION TO STORAGE    | 01/01 12/31          | 1.700 CFS       |
| IRRIGATION STORAGE      | 01/01 12/31          |                 |
| IRRIGATION FROM STORAGE | 04/15 10/31          |                 |

PLACE OF USE: IRRIGATION FROM STORAGE 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

07/13/2009

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

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Irrigation from storage is not limited but currently confined to the place of use described above.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

*See 9/15*  
*CB*

## 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