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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.: 37-12000
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

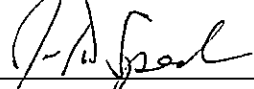
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

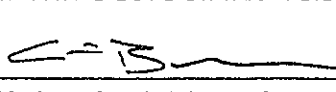
James P. Speck Date
Attorney for Black Butte Hills L.L.C.

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

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

RIGHT NUMBER: 37-12000

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

SOURCE: SPRING

TRIBUTARY: SINKS
~~UNPAVED STREAM~~

QUANTITY: 14.000 AFY

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

PRIORITY DATE: 05/01/1917

POINT OF DIVERSION:

T02S R17E S11 NWNWSE	Within BLAINE County
T02S R17E S11 NWSESE	Within CAMAS County
~~T02S R17E S12 NWSW~~	~~Within BLAINE County~~
~~T02S R17E S12 SWSW~~	~~Within BLAINE County~~

PURPOSE AND
PERIOD OF USE:

<u>Purpose of use</u>	<u>Period of use:</u>	<u>Quantity:</u>
STOCKWATER STORAGE	01/01 12/31	14.00 AFY
STOCKWATER FROM STORAGE	01/01 12/31	14.00 AFY

PLACE OF USE: STOCKWATER STORAGE within BLAINE County and CAMAS County

T02S R17E S11 SESE T02S R17E S12 SWSW
T02S R17E S12 SESW

STOCKWATER FROM STORAGE within BLAINE County and CAMAS County

T02S R17E S11 SESE T02S R17E S12 SWSW
T02S R17E S12 SESW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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