

DEPARTMENT OF  
WATER RESOURCES

DISTRICT COURT-SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

DEC 30 2009

By \_\_\_\_\_ Clerk  
\_\_\_\_\_  
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

DEC 30 2009

By \_\_\_\_\_ Clerk  
Deputy Clerk

In Re SRBA )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Case No. 39576 )  
Water Right 37-11989

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

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 1.70 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  
NWSESE

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY |
|----------------------------|-------------------------|----------------|----------|
|                            | Diversion to Storage    | 01-01 TO 12-31 | 1.70 CFS |
|                            | Irrigation Storage      | 01-01 TO 12-31 |          |
|                            | Irrigation from Storage | 04-15 TO 10-31 |          |

| PLACE OF USE:                   |           |           |                      |
|---------------------------------|-----------|-----------|----------------------|
| Irrigation Storage              |           |           | Within Blaine County |
| Same as Irrigation from Storage |           |           |                      |
| Irrigation from Storage         |           |           | Within Blaine County |
| T02S R17E S01                   | SWNW 9.0  | NWSW 34.0 |                      |
|                                 | SWSW 39.0 |           |                      |
|                                 |           |           | Within Camas County  |
| S02                             | SENE 0.4  | SWSW 1.5  |                      |
|                                 | SESW 30.0 | NESE 33.0 |                      |
|                                 | NWSE 3.1  | SWSE 37.0 |                      |
|                                 | SESE 40.0 |           |                      |
| S11                             | NENE 40.0 | NWNE 34.0 |                      |
|                                 | SWNE 28.0 | SENE 33.0 |                      |
|                                 | NENW 34.0 | SENW 15.0 |                      |
|                                 | NESE 20.0 | NWSE 12.0 |                      |
|                                 | SWSE 19.0 | SESE 27.0 |                      |
|                                 |           |           | Within Blaine County |
| S12                             | SWNE 20.0 | NENW 19.0 |                      |
|                                 | NWNW 40.0 | SWNW 40.0 |                      |
|                                 | SENW 38.0 | NESW 38.0 |                      |
|                                 | NWSW 40.0 | SWSW 28.0 |                      |
|                                 | SESW 11.0 | NWSE 24.0 |                      |
| 787.0 Acres Total               |           |           |                      |

Diversion to Storage Within Blaine County  
Same as Irrigation from Storage

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, 37-20568, 37-20568.

RECOMMENDATION

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SPECIAL MASTER

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

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Eric J. Wildman  
Presiding Judge of the  
Snake River Basin Adjudication

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 )  
 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 37-12000

|                                                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho<br><br>DEC 30 2009<br><br>By _____<br>Clerk<br>Deputy Clerk |
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DEC 31 2009

DEPARTMENT OF  
WATER RESOURCES

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

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 14.00 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  
NWSESE Within Camas County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY  |
|----------------|-------------------------|----------------|-----------|
|                | Stockwater Storage      | 01-01 TO 12-31 | 14.00 AFY |
|                | Stockwater from Storage | 01-01 TO 12-31 | 14.00 AFY |

| PLACE OF USE: | Stockwater Storage      | Within Camas County  |
|---------------|-------------------------|----------------------|
|               | T02S R17E S11 SESE      |                      |
|               | S12 SWSW                | Within Blaine County |
|               |                         | SESW                 |
|               | Stockwater from Storage | Within Camas County  |
|               | T02S R17E S11 SESE      |                      |
|               | S12 SWSW                | Within Blaine County |
|               |                         | 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  
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final judgment and that the court has and does hereby direct that the above judgment or order shall be a final  
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

|                                                                                    |
|------------------------------------------------------------------------------------|
| RECOMMENDATION<br><br>DEC 30 2009<br><br><i>Bridgette Silvey</i><br>SPECIAL MASTER |
|------------------------------------------------------------------------------------|

Eric J. Wildman  
Presiding Judge of the  
Snake River Basin Adjudication

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DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| DEC 30 2009                                                                             |
| By _____ Clerk<br>Deputy Clerk                                                          |

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 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 37-11989  
37-12000

On December 30, 2009, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED December 30, 2009.

  
JANET CONNELL  
Deputy Clerk

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DEC 31 2009

DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |                       |
|-----------------------------------------------------------------------------------------|-----------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |                       |
| DEC 30 2009                                                                             |                       |
| By _____                                                                                | Clerk<br>Deputy Clerk |

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 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 37-11989  
37-12000

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 30, 2009, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

BLACK BUTTE HILLS LLC

Represented by:

JAMES P. SPECK

SPECK & AANESTAD

120 EAST AVENUE

PO BOX 987

KETCHUM, ID 83340

Phone: 208-726-4421

  
JANET CONNELL  
Deputy Clerk

CERTIFICATE OF MAILING

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12/30/09