

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-20560
Date Received: 12/8/2005
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

BLACK BUTTE HILLS LLC Phone: (425) 688-9304
PO BOX 1607
BELLEVUE WA 98009

2. Date of Priority: 10/30/1974

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	15E	13	SE SE	CAMAS	
02S	16E	19	NW NW	CAMAS	

5. Description of diverting works:

Astorquia new well.
Subsurface collector

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/01	0.1	24

7. Total Quantity Appropriated is:
0.1 C.F.S. and/or 24 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
02S	15E	13	NW	NE	IRRIGATION	4	
			NE	SE	IRRIGATION	2	
			Section Acres		6		
02S	16E	18	SW	SW	IRRIGATION	2	
					Section Acres		2
					Total Acres		8

11. Place of use in counties: CAMAS

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

Groundwater point of diversion in S19, T2S, R16E is developed by underground collector into groundwater surface.

15. Basis of Claim: License

Claimants Names:
Black Butte Hills, LLC

Attorney Name & Address:
James P. Speck
Speck & Aanestad
A Professional Corporation
120 East Avenue
P. O. Box 987
Ketchum, Idaho 93340
(208) 726-4421
FAX: (208) 726-0752

RECEIVED

SEP 05 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

ORIGINAL IN RED

**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 APPEARANCE

DESCRIPTIVE SUMMARY

This is a notice of appearance by counsel on behalf of the new claimant and purchaser of the water right claims identified below.

NOTICE OF APPEARANCE

The law firm of Speck & Aanestad, A Professional Corporation, hereby enters its appearance in the action on behalf of Claimant, Black Butte Hills, LLC, for the following water right claim which is not the subject of any subcase: 37-20560.

DATED this 31 day of August, 2007.

SPECK & AANESTAD
A Professional Corporation

By 
James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 31 day of August, 2007, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

Chief, Natural Resources Division
Office of the Attorney General, State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

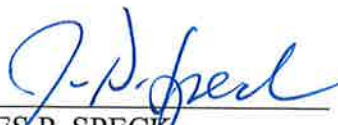
- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

The United States Department of Justice
Environmental and Natural Resources
Division
550 West Fort Street
Box 33
Boise, ID 83724

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

Idaho Department of Water Resources
Document Depository
P.O. Box 83720
Boise, ID 83720-0098

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid


JAMES P. SPECK

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jim@speckandaanestad.com

DOUGLAS J. AANESTAD
doug@speckandaanestad.com

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

August 8, 2007

RECEIVED

SEP 05 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Ms. Trish Fawcett
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

**Re: Black Butte Hills, LLC
Water Right No. 37-20560**

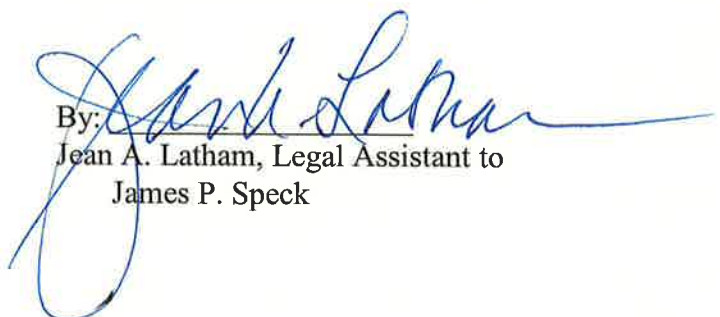
Dear Trish:

Enclosed please find original and one copy of Notice of Appearance for Water Right No. 37-20560 for Black Butte Hills, LLC. Please receipt date stamp the original, conform the copy and return it to me in the enclosed self-addressed stamped envelope.

If you have any questions, do not hesitate to call either Jim or me. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
Jean A. Latham, Legal Assistant to
James P. Speck

jal
Enclosures
cc: Client (w/encl.)

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 AUG 28 PM 2 28

**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: 37-20560

Case No. 39576

**NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING**

IDWR has completed the following Administrative proceeding: **I.C. § 42-222 TRANSFER**

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

☒ Change in Address

☐ Split of Water Right

☐ Point of Diversion

☒ Place of Use

☐ Period of Use

☐ Nature of Use

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 8/28/07


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 8/28, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 W Fort St MSC 033
Boise ID 83724

James P Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340



Signature of person or attorney mailing the form

08/27/2007

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

RIGHT NUMBER: 37-20560

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS
24.00 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 10/30/1974

POINT OF
DIVERSION:

T02S R15E S13 SESE Within CAMAS County

T02S R16E S19 NWNW Within CAMAS County

Groundwater point of diversion in S19, T2S, R16E is developed by underground collector into groundwater surface.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

05/01 10/01

0.100 CFS
24.00 AFY

The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE:

IRRIGATION in CAMAS County

T02S R15E S13	SENE	4.00	T02S R15E S13	NESE	2.00
T02S R16E S18	SWSW	2.00			

8 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 - License

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

August 28, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: SRBA Claim(s) 37-20560 / Black Butte Hills LLC

Dear Counselor:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CORRECTED**TRANSFER OF WATER RIGHT*****CORRECTED*****TRANSFER NO. 69504**

This is to certify that: BLACK BUTTE HILLS LLC
PO BOX 1607
BELLEVUE WA 98009
(425) 688-9304

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-20560	AJC/License	10/30/1974	0.10 cfs	N/A	N/A	8.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-20560	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-20560	37-20560	0.10 cfs	24 af	N/A	8.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.10 cfs	24 af	N/A	8.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 12th day of June, 2007



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20560
As Modified by Transfer No. 69504

In accordance with the approval of Transfer No. 69504, Water Right No. 37-20560 is now described as follows.

Right Holder: BLACK BUTTE HILLS LLC
 PO BOX 1607
 BELLEVUE WA 98009

Priority Date: October 30, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/01	0.10 CFS	24.0 AF
			0.10 CFS	24.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESE	Sec. 13 Twp 02S Rge 15E CAMAS County
GROUND WATER	NWNW	Sec. 19 Twp 02S Rge 16E CAMAS County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	15E	13				4.0									2.0				6.0
02S	16E	18											2.0						2.0

Total Acres: 8

CONDITIONS OF APPROVAL

1. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 37-20560
As Modified by Transfer No. 69504

CONDITIONS OF APPROVAL

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
7. Groundwater point of diversion in S19, T2S, R16E is developed by underground collector into groundwater surface.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 12th day of June, 20 07



Chief, Water Allocation Bureau

SRBA

SUBCASE SUMMARY REPORT 37-20560

[Return to SRBA Home Page](#)

SRBA

SUBCASE SUMMARY REPORT

HTML12

06-25-2008

SUBCASE: 37-20560 FILE#: 00972
CLAIMANT: BLACK BUTTE HILLS LLC
C/O GREGORY VIK
PO BOX 1607

BELLEVUE WA 98009
STATUS: AT ISSUE SPECIAL MASTER: BILYEU, BRIGETTE
WATER SOURCE: GROUND WATER
ISSUES: PLACE OF USE OR IRRIGATED ACRES IN EACH 40 A.
0

****** PARTIES INVOLVED ******

BLACK BUTTE HILLS LLC C PRO SE

****** ROA ENTRIES ******

05-23-2007	OBJ 01 F/B UNITED STATES OF AMERICA	RB	07-23-2007 0001
08-24-2007	ORIGINAL NOTICE OF CLAIM		
08-28-2007	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING		08-28-2007
08-28-2007	AMENDED DIRECTOR'S REPORT		
	CHANGE: TRANSFER/ADDRESS/PLU		
09-05-2007	NOTICE OF VOLUNTARY DISMISSAL OF OBJECTIONS		
09-12-2007	ORDER DISMISSING OBJECTION		09-12-2007 0001
09-12-2007	READY FOR SMRR ONCE OVERLAP IS COMPLETED		

[Return to SRBA Home Page](#)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CORRECTED**TRANSFER OF WATER RIGHT*****CORRECTED*****TRANSFER NO. 69504**

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37-20560	AJC/License	10/30/1974	0.10 cfs	N/A	N/A	8.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

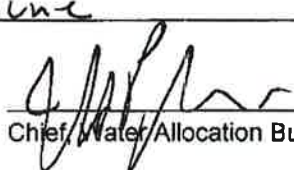
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-20560	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-20560	37-20560	0.10 cfs	24 af	N/A	8.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.10 cfs	24 af	N/A	8.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 12th day of June, 20 07



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20560
As Modified by Transfer No. 69504

CONDITIONS OF APPROVAL

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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Dated this 12th day of June, 20 07



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20560
As Modified by Transfer No. 69504

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Right Holder: BLACK BUTTE HILLS LLC
 PO BOX 1607
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Priority Date: October 30, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/01	0.10 CFS	24.0 AF
			0.10 CFS	24.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESE Sec. 13 Twp 02S Rge 15E CAMAS County

GROUND WATER NWNW Sec. 19 Twp 02S Rge 16E CAMAS County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 15E 13				4.0									2.0				6.0
02S 16E 18											2.0						2.0

Total Acres: 8

CONDITIONS OF APPROVAL

1. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.



Idaho Department of Water Resources

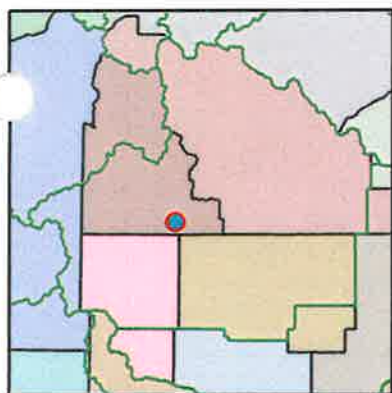
SRBA Recommendation:

37-20560

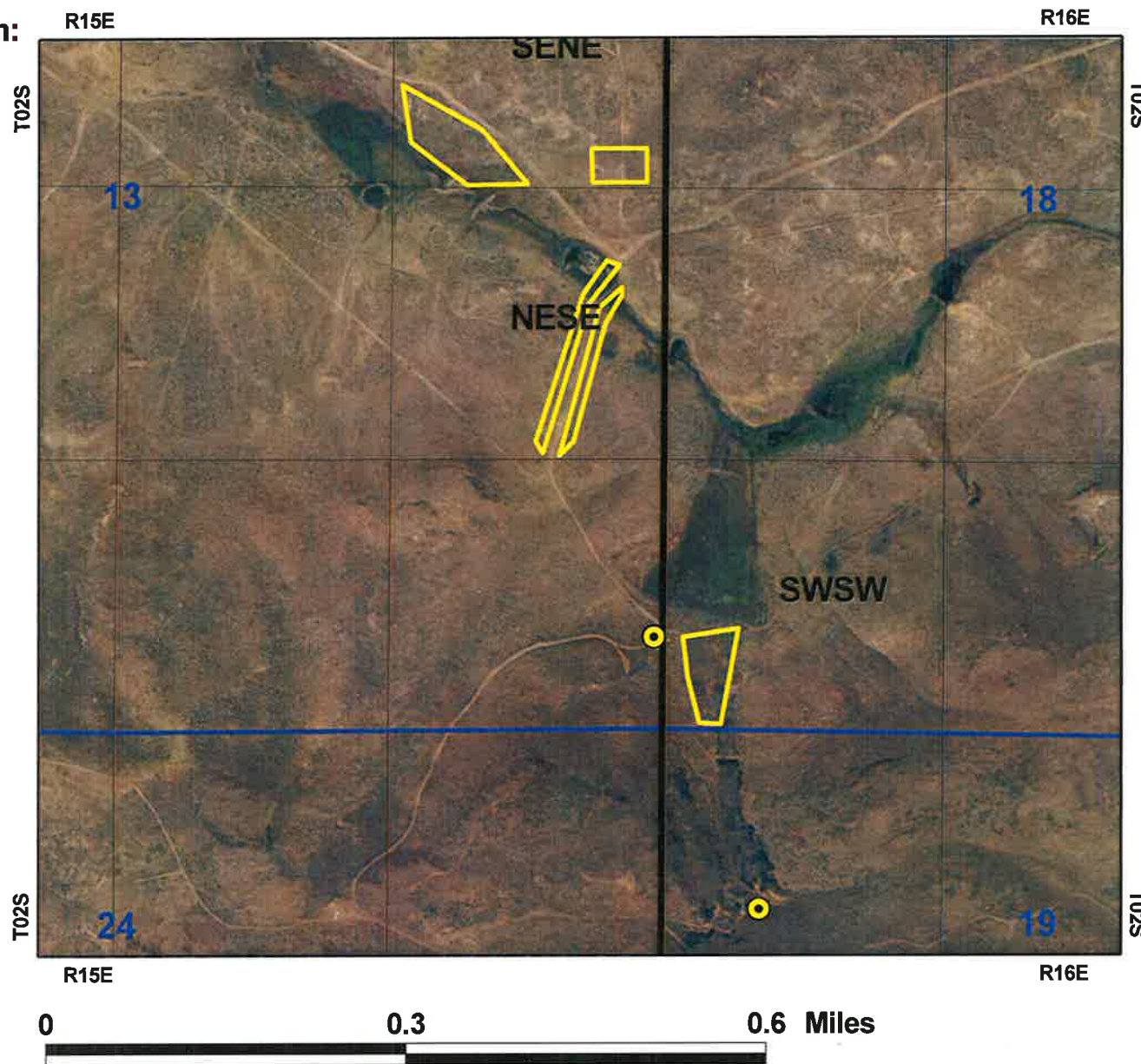
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Camas County
IDWR Basin 37



Prepared by A. Merritt
On Friday, September 15, 2006
2004 Aerial Photography

Owner: Black Butte Hills Llc

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

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

A. Subcase 37-20560
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau
of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Black Butte Hills, LLC
Address: P.O. Box 1607; Bellevue, WA 98009

Name:
Address: ;

Name:
Address: ;

Name:
Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:

2. ☐ **Source**
Should be:

3. ☐ **Quantity**
Should be:

4. ☐ **Priority Date**
Should be:

5. ☐ **Point(s) of Diversion**
Should be:

6. ☐ **Instream Flow Description**
Should be:

7. ☐ **Purpose(s) of Use**
Should be:

8. ☐ **Period of Year**
Should be:

9. ☒ **Place of Use**
Should be: See attached.

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include federal public land. Perhaps the description of NWNE, S13, T02S, R15E is a typographical error and should be described as SENE where there is a portion of the shapefile that is not recommended?

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of ADA)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

May 22, 2007



Jacqueline L. Simmons
Jacqueline L. Simmons
Notary Public for State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 04-07-2011

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on May 22, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

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

2. One copy to the claimant of the water right at the following address:

Name: Black Butte Hills, LLC
Address: P.O. Box 1607; Bellevue, WA 98009

Name:
Address: ;

Name:
Address: ;

Name:
Address: ;

3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney mailing on Objector's behalf

12/02/2006

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

RIGHT NUMBER: 37-20560
NAME AND ADDRESS: BLACK BUTTE HILLS LLC
PO BOX 1607
BELLEVUE WA 98009

POU on BLM:

-Claimant is not authorized to farm public land.
-Perhaps this is a typographical error and should be SENE?

SOURCE: GROUND WATER
QUANTITY: 0.100 CFS
24.00 AFY

TRIBUTARY:

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 10/30/1974

POINT OF
DIVERSION: T02S R15E S13 SESE Within CAMAS County
T02S R16E S19 NWNW Within CAMAS County

Groundwater point of diversion in S19, T2S, R16E is developed by underground collector into groundwater surface.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	05/01 10/01	0.100 CFS 24.00 AFY

The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION in CAMAS County

BLM	T02S R15E S13	NWNE	4.00	T02S R15E S13	NESE	2.00
	T02S R16E S18	SWSW	2.00			
8 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.

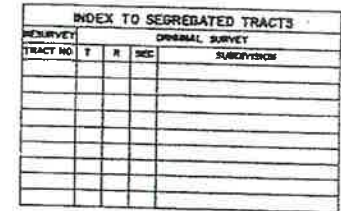
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



IDA 27581 - PX WTD to BLM NOE Unit Order Images
 Sec 14: NW1/4, SW1/4, NE1/4, SE1/4, SW1/4
 Sec 23: NE1/4, W2E2, E2W2

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO
BAR 10 000	

THE PLAY:

SCALE 1/4" = 1" CHAINING

3 S-15 E 3 S-16 E

WAGNER STATION

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL OF CFSR.

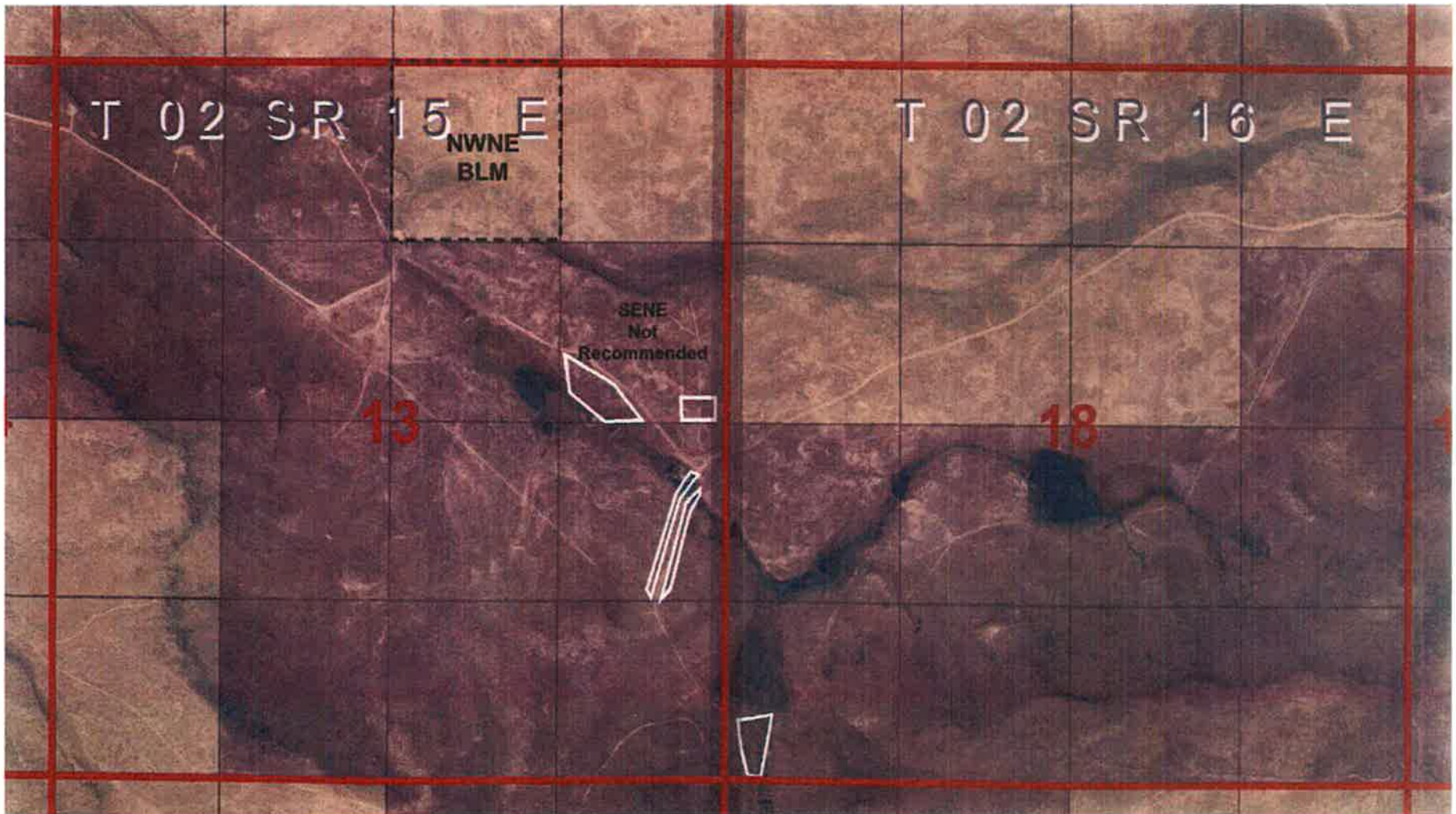
THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER.

John S. Galt

T. 25

R 15E

37-20560
Black Butte Hills LLC



POU on BLM:

- Claimant is not authorized to farm public land.
- Perhaps there is a typographical error as the SENE was not recommended but sought in water right transfer #69504.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69504

This is to certify that: BLACK BUTTE HILLS LLC
PO BOX 1607
BELLEVUE WA 98009
(425) 688-9304

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-20560	AJC/License	10/30/1974	0.10 cfs	N/A	N/A	8.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

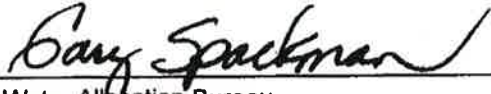
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-20560	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-20560	37-20560	0.10 cfs	24 af	N/A	8.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.10 cfs	24 af	N/A	8.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 16th day of June, 20 06



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20560
As Modified by Transfer No. 69504

In accordance with the approval of Transfer No. 69504, Water Right No. 37-20560 is now described as follows.

Right Holder: BLACK BUTTE HILLS LLC
 PO BOX 1607
 BELLEVUE WA 98009

Priority Date: October 30, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversión Rate</u>	<u>Volume</u>
IRRIGATION	05/01 to	10/01	0.10 CFS	24.0 AF
			0.10 CFS	24.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESE Sec. 13 Twp 02S Rge 15E CAMAS County

GROUND WATER NWNW Sec. 19 Twp 02S Rge 16E CAMAS County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	15E	13		4.0											2.0				6.0
02S	16E	18									2.0								2.0

Total Acres: 8

CONDITIONS OF APPROVAL

1. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 37-20560
As Modified by Transfer No. 69504

CONDITIONS OF APPROVAL

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
7. Groundwater point of diversion in S19, T2S, R16E is developed by underground collector into groundwater surface.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 16th day of June, 20 06


Chief, Water Allocation Bureau