

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78304

This is to certify that: BLACK BUTTE HILLS LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE, WA 98009

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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-2211	WR/DECREED	5/9/1911	1.700 cfs	N/A	85.0	787.0	SPRING
37-22771	WR/DECREED	10/30/1974	9.540 cfs	2361.0 af	N/A	787.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

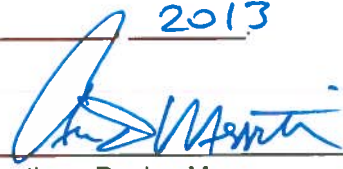
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-2211	NO	NO	YES	NO	NO	NO
37-22771	NO	NO	YES	NO	YES	YES

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>
37-2211	37-2211	1.700 cfs	N/A	85.0	770.8	N/A	N/A	N/A	N/A	N/A
37-22771	37-22771	9.540 cfs	2346.9 af	N/A	770.8	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		11.240 cfs	N/A	N/A	770.8		N/A	N/A	N/A	N/A

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 5th day of November 2013


Southern Region Manager

SUPPORT DATA

Transfer No. 78304

IN FILE # 37-2211

WATER RIGHT NO. 37-2211
As Modified by Transfer No. 78304

In accordance with the approval of Transfer No. 78304, Water Right No. 37-2211 is now described as follows:

Right Holder: BLACK BUTTE HILLS LLC
 C/O GREGORY VIK
 PO BOX 1607
 BELLEVUE, WA 98009

Priority Date: 5/9/1911

Source: SPRING

Tributary: SINKS

BENEFICIAL USE
 IRRIGATION

From 04/15 to **To** 10/31

Diversion Rate
 1.700 cfs
 1.700 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRING NESESE Sec 11 Twp 02S Rge 17E CAMAS County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	17E	1							9.0			30.0	39.0						78
02S	17E	2				0.4						1.5	29.3	33.0	1.6	34.0	39.0		138.8
02S	17E	11	40.0	34.0	28.0	33.0	34.0			15.0				20.0	12.0	19.0	27.0		262.0
02S	17E	12			20.0		15.0	40.0	40.0	36.0	38.0	40.0	28.0	11.0		24.0			292

Right Acre Limit: 85.0

POU Total Acres: 770.8

CONDITIONS OF APPROVAL

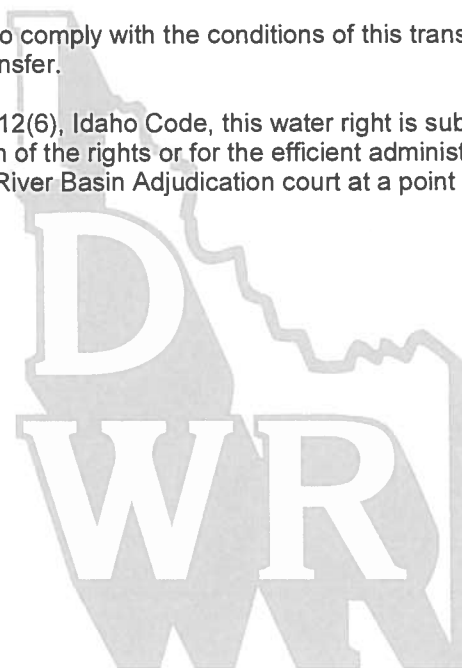
1. This right is limited to the irrigation of 85 acres within the authorized place of use in a single irrigation season.
2. Rights 37-2211 and 37-11989 when combined shall not exceed a total diversion rate of 1.70 cfs.
3. Rights 37-2211, 37-11989, and 37-22771 when combined shall not exceed the irrigation of 770.8 acres.
4. 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 place of use.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

Transfer No. 78304

WATER RIGHT NO. 37-2211
As Modified by Transfer No. 78304

CONDITIONS OF APPROVAL

6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



WATER RIGHT NO. 37-22771**As Modified by Transfer No. 78304**

In accordance with the approval of Transfer No. 78304, Water Right No. 37-22771 is now described as follows:

Right Holder: BLACK BUTTE HILLS LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE, WA 98009

Priority Date: 10/30/1974

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	05/01	to 10/01	9.340 cfs	2312.4 af
DIVERSION TO STORAGE	01/01	to 12/31	0.200 cfs	
STOCKWATER STORAGE	01/01	to 12/31		34.5 af
WILDLIFE STORAGE	01/01	to 12/31		34.5 af
			9.540 cfs	2346.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNW Sec 1 Twp 02S Rge 17E BLAINE County
GROUND WATER SWSE Sec 11 Twp 02S Rge 17E CAMAS County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	17E	1							9.0				30.0	39.0					78.0
02S	17E	2				0.4							1.5	29.3	33.0	1.6	34.0	39.0	138.8
02S	17E	11	40.0	34.0	28.0	33.0	34.0			15.0					20.0	12.0	19.0	27.0	262.0
02S	17E	12			20.0		15.0	40.0	40.0	36.0	38.0	40.0	28.0	11.0		24.0			292.0

POU Total Acres: 770.8

PLACE OF USE: STOCKWATER STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	17E	11													X	X		X	
02S	17E	11																	
02S	17E	12										X	X	X					
02S	17E	12																	

PLACE OF USE: WILDLIFE STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	17E	11																	
02S	17E	11													X	X		X	
02S	17E	12										X	X	X					

Transfer No. 78304

WATER RIGHT NO. 37-22771
As Modified by Transfer No. 78304

PLACE OF USE: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	17E	12																	

CONDITIONS OF APPROVAL

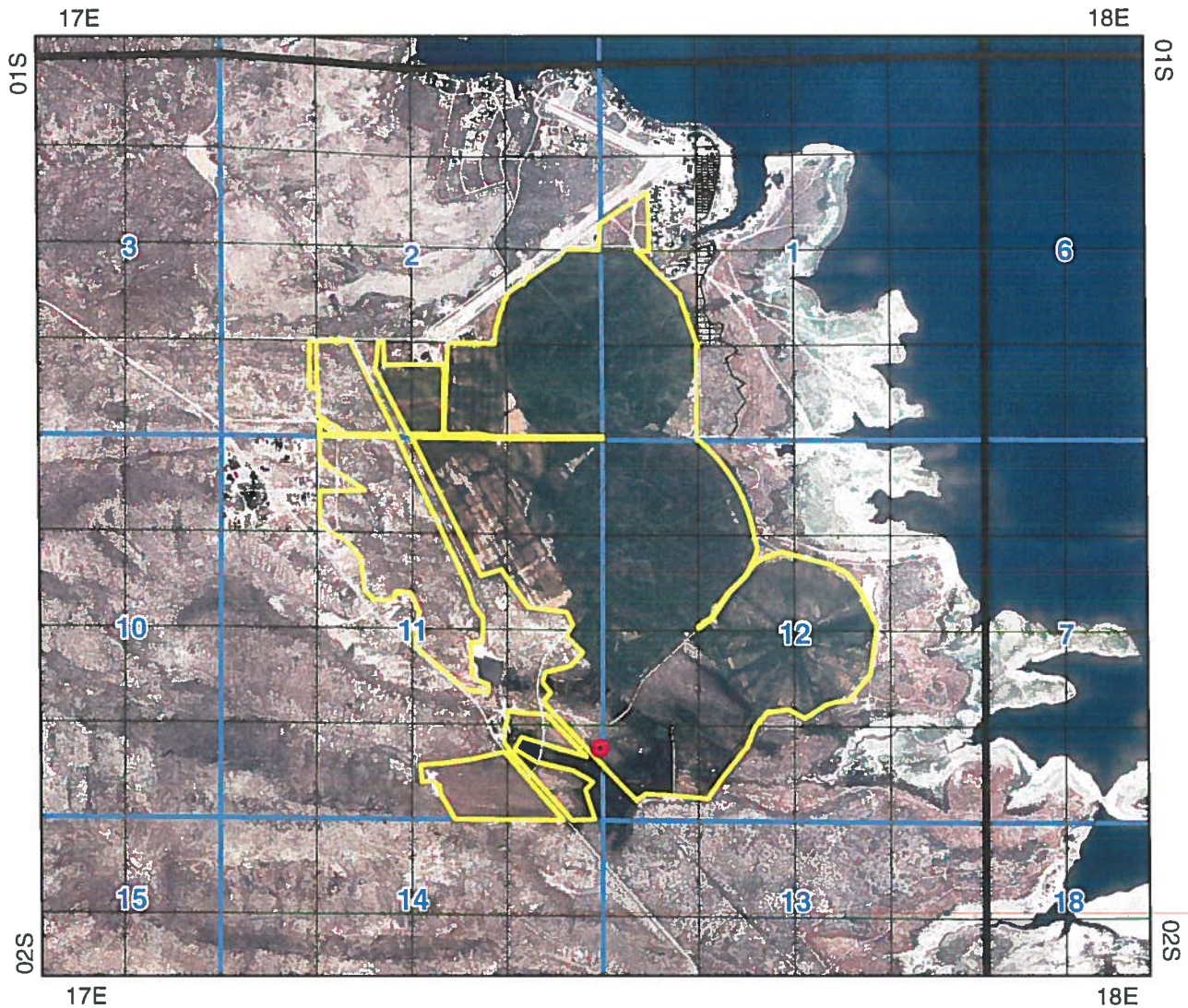
1. Rights 37-2211, 37-11989, and 37-22771 when combined shall not exceed the irrigation of 770.8 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
3. The period 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.
4. Right 37-22771 authorizes the diversion of an annual total of 34.5 acre-feet to be used for the replacement of losses caused by evaporation from the ponds authorized under right 37-21301.
5. The ponds established by the storage of water under rights 37-21301 and 37-22771 shall not exceed a total capacity of 81.6 acre-feet or a total surface area of 18.99 acres.
6. The ponds established by the storage of water under rights 37-11989, 37-12000, 37-21301, and 37-22771 shall not exceed a total capacity of 93.6 acre-feet or a total surface area of 24.34 acres.
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

State of Idaho
Department of Water Resources

Attachment To Transfer No. 78304

37-2211

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



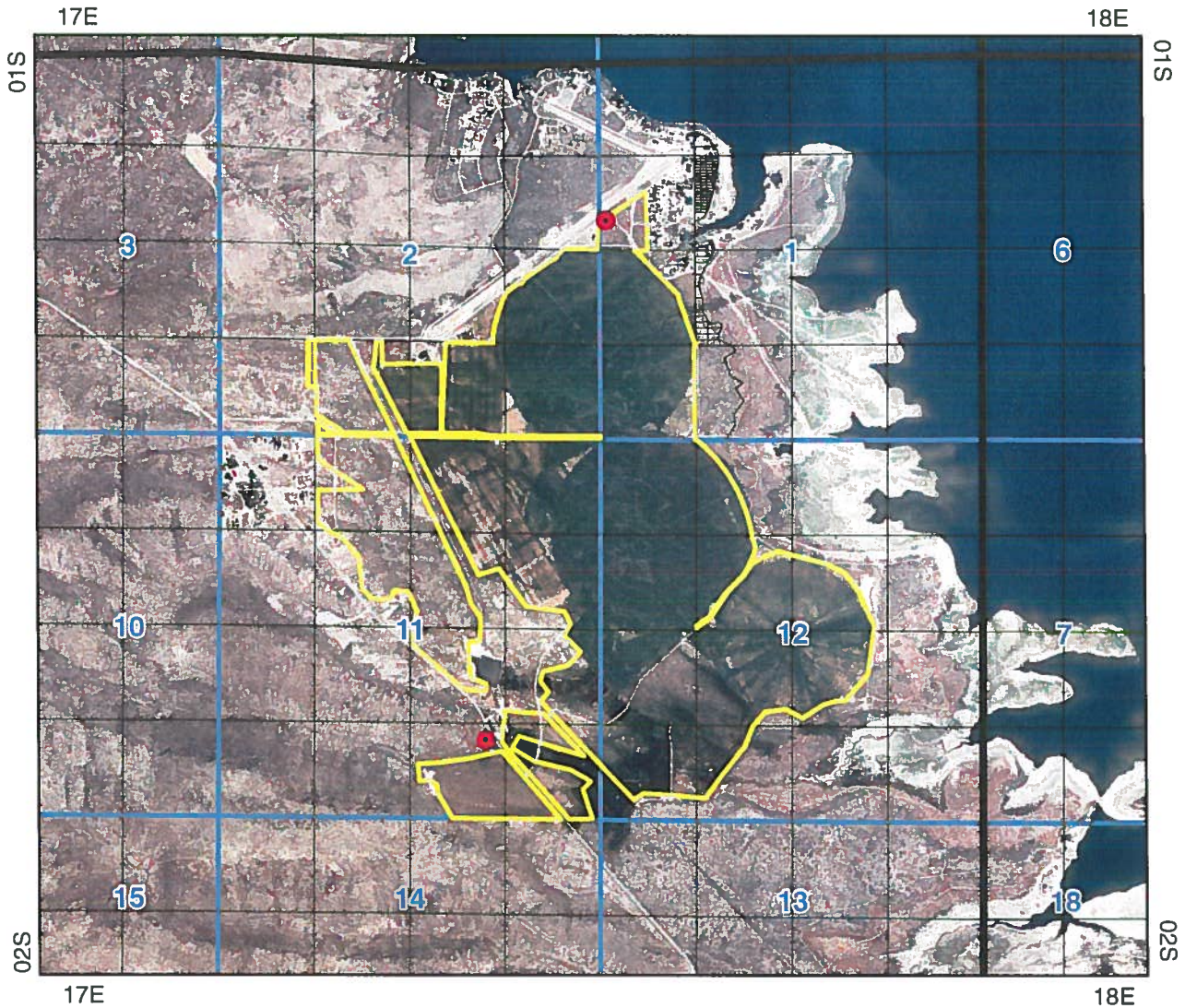
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.3 0.6 1.2 Miles



State of Idaho
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Attachment To Transfer No. 78304
37-22771

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



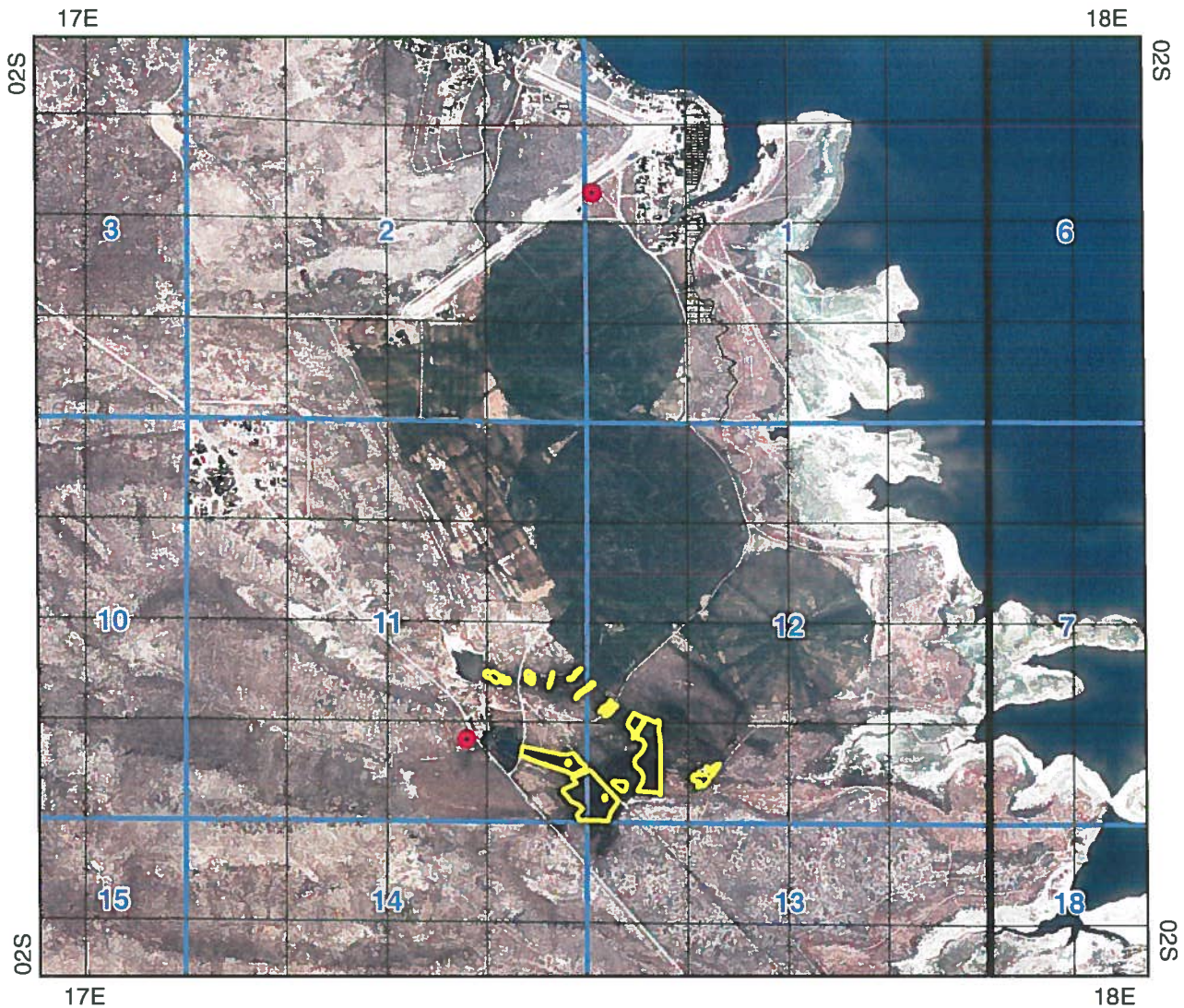
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.3 0.6 1.2 Miles



State of Idaho
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37-22771

This map depicts the WILDLIFE STORAGE and STOCKWATER STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.275 0.55 1.1 Miles

