

RECEIVED

OCT 24 2012

Form 42-1761-1 08/11

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARDWSB No. _____
Receipt No. C096149
Date/by 10-24-12 HP
(For Department Use Only)APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKName of Seller/Lessor Black Butte Hills LLC Phone 425-460-2542
Mailing address PO Box 1607 Bellevue, WA 98009 Email _____

A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANK

If the entire right is for sale or lease, check here ☒, list the water right number, and skip to Part B.

1. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>37-20561</u>	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
Total Amount: _____			

2. Source of water _____ tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County

4. Lands irrigated or place of use: *See Part D for additional information regarding place of use.

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the right is for irrigation, show total number of acres offered to the bank. Total Acres _____

B. OWNERSHIP

1. Are you currently listed in IDWR's records as the owner of the water right being offered to the bank? Yes ☒ No ☐
If no, provide documentation of your authority to sign on behalf of the right holder OR attach a Notice of Change in Water Right Ownership form along with the required documentation and fee.
2. Is the point of diversion for the water right owned or managed by an irrigation district? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district to the proposed sale or lease and list name of entity:
- _____

C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.

Existing Well, no main lines

2. Describe any other water rights used for the same purpose or at the same place of use as described above.

N/A

3. Will the present place of use continue to receive water from any source?

Yes ☐ No ☒

If yes, describe.

4. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

If yes, describe and attach watermaster records or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.

5. Is this water right involved in any other Department process such as an application for transfer or a mitigation plan? Yes
- ☐
- No
- ☒

If yes, describe.

D. REQUIRED ITEMS

This form must be signed and submitted with the following REQUIRED items:

1. Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
2. Filing fee of \$250.00. If you are submitting more than one lease application and the rights have a common place of use or common diversion rate or common diversion volume, the combined maximum fee is \$500.00.

E. SALE/LEASE AGREEMENT

1. Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board (IWRB) for sale
- ☐
- or lease
- ☒
- .

If lease, for a period from 5/01/2012 to 5/01/2017 (not to exceed 5 years).
(Month / Day / Year) (Month / Day / Year)

2. Show the minimum payment acceptable to the Seller/Lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

current rental rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner/lessor of the right may not use the right even if the right is not rented from the bank.
3. A right accepted into the bank stays in the bank until the Board releases it or the lease term expires.
4. While a right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

Signature of Applicant

Printed Name and Title*

Date

BLACK BUTTE HILLS LLC
BY: INVESTMENTS MANAGER LLC, MANAGER

Signature of Applicant

Printed Name and Title*

Date

BY: GREG VIK, PRESIDENT

10/17/12

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

Close

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

8/10/2012

WATER RIGHT NO. 37-20561

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BLACK BUTTE HILLS LLC C/O GREGORY VIK PO BOX 1607 BELLEVUE, WA 98009 (425) 460-2542
Attorney	SPECK & AANESTAD JAMES P SPECK PO BOX 987 KETCHUM, ID 83340 (208) 726-4421
Original Owner	W H CROFT SR PO BOX 24 PAUL, ID 83347 (208) 438-2855
Original Owner	GLEN CROFT BOX 447 SHOSHONE, ID 83352 (208) 886-2013

Priority Date: 10/30/1974

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/01	0.03 CFS	3 AFA
Total Diversion			0.03 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SENE|Sec. 33|Township 01S|Range 15E|CAMAS County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CAMAS County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	15E	33		SENE	1									

Total Acres: 1

Conditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. T09 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.
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient
3. C18 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.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending
5. X61 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.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. R67 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Dates:

Licensed Date:

Decreed Date: 02/03/2010

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.03

Generic Max Volume per Acre: 3.5

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



0 212.5 425 850 Feet

**BLACK BUTTE HILLS LLC
WATER BANK LEASE 2012, 37-20561
NAIP 2011 AERIAL**

Legend
● 37, 20561,
■ 37, 20561,
■ twship
■ Sections
■ ladesec



No. W 36007	Due no later than Jan 31, 2012 Annual Report Form		2. Registered Agent and Office (NOT A P.O. BOX) NATIONAL REGISTERED AGENTS INC 1423 TYRELL LANE BOISE ID 83706															
Return to: SECRETARY OF STATE 450 N 4th STREET PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. BLACK BUTTE HILLS LLC SC & B SERVICES INC 999 3RD AVE STE 3000 SEATTLE WA 98104		3. New Registered Agent Signature.															
4. Limited Liability Companies: Enter Names and Addresses of Managers OR Members. See Instructions. <table border="1"> <thead> <tr> <th>Manager or Member</th> <th>Name</th> <th>Street or PO Address</th> <th>City</th> <th>State</th> <th>Country</th> <th>Postal Code</th> </tr> </thead> <tbody> <tr> <td>Manager</td> <td>Investments Manager LLC</td> <td>999 Third Avenue, Suite 3000</td> <td>Seattle</td> <td>WA</td> <td></td> <td>98104</td> </tr> </tbody> </table>					Manager or Member	Name	Street or PO Address	City	State	Country	Postal Code	Manager	Investments Manager LLC	999 Third Avenue, Suite 3000	Seattle	WA		98104
Manager or Member	Name	Street or PO Address	City	State	Country	Postal Code												
Manager	Investments Manager LLC	999 Third Avenue, Suite 3000	Seattle	WA		98104												
5. Organized Under the Laws of: WASHINGTON W 36007	6. Signature:  Name (type or print): Investments Manager LLC, Manager by Greg Vilk, Its		Date: 11/23/11 Title: Manager	Issued 11/14/2011 by PEH 107780														