

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 69503

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 37-20559     | AJC/License         | 10/30/1974      | 0.03 cfs    | N/A           | N/A               | .5                 | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 37-20559              | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 37-20559              | <b>37-20559</b>                  | 0.03 cfs             | 1.5 af                 | N/A               | 0.5                |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>0.03 cfs</b>      | <b>1.5 af</b>          | <b>N/A</b>        | <b>0.5</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 16<sup>th</sup> day of June, 20 06

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 37-20559**  
**As Modified by Transfer No. 69503**

In accordance with the approval of Transfer No. 69503, Water Right No. 37-20559 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       | 10/01     | 0.03 CFS              | 1.5 AF        |
|                       |             |           | 0.03 CFS              | 1.5 AF        |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      NENE                      Sec. 33 Twp 01S    Rge 15E    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 |        |
| 01S | 15E | 33  | .5 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | .5     |

Total Acres: 0.5

**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 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

**WATER RIGHT NO. 37-20559**  
**As Modified by Transfer No. 69503**

**CONDITIONS OF APPROVAL**

5. 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.
6. Groundwater is developed by excavated pond 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 16<sup>th</sup> day of June, 2006

  
Chief, Water Allocation Bureau