

DEC 14 2006

APPROPRIATE
COURT

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

Subcase No.: 37-793

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

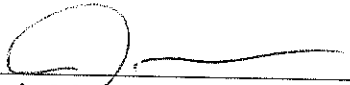
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.


The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

OBJECTOR:


Justin May
Attorney for Black Canyon Bliss, LLC,
Charles R. Atkinson & Monica C.
Cornelissen
Date 11-22-06


C. Tom Arkoosh
Attorney for M. Stanley Standal
Date 12/12/06

IDWR Concurrence:

Carter Fritschle 9-15-06
Carter Fritschle Date
Section Manager Adjudication Bureau

Nick Spencer 9-11-06
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 37-793

NAME AND ADDRESS: BLACK CANYON BLISS LLC
PO BOX 95
RUPERT ID 83350

SOURCE: SPRINGS

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.000 CFS

~~Right nos. 37-21721, 37-21722, 37-793 and 37-7216 are limited to a total combined diversion rate of 5.50 cfs for irrigation.~~

Right nos. 37-793, 37-7216 and 37-21721 are limited to a total combined diversion rate of 4.857 cfs for irrigation.

PRIORITY DATE: 04/01/1888

In the event of a call in times of scarcity, the diversion of water for this right from the point of diversion located in T06S, R13E, S17, NESESE (also known as Montana Mining Company Ditch Spring No. 9) is junior to the diversion of water from the same spring for Water Right Nos. 37-7218 and 37-21222.

POINT OF
DIVERSION:

T06S R13E S17 NENW Within GOODING County
T06S R13E S17 NENWNW Within GOODING County
T06S R13E S17 NESESE Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	2.000 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T06S R13E S07	SESE	12.00	T06S R13E S08	SWSW	7.00
T06S R13E S17	NENW	8.00	T06S R13E S17	NWNW	29.00
T06S R13E S17 Lot 1	SWNW	20.00	T06S R13E S17	SESW	5.00
T06S R13E S17 Lot 2	NESW	1.00	T06S R13E S17 Lot 2	NWSW	5.00
T06S R13E S18 Lot 7	NENE	4.00	T06S R13E S18 Lot 7	SENE	1.00

92 ACRES TOTAL

~~Right nos. 37-21721, 37-21722, 37-793 and 37-7216 are limited to the irrigation of a combined total of 127 acres in a single irrigation season.~~

Right nos. 37-793, 37-7216 and 37-21721 are limited to the irrigation of a combined total of 92 acres in a single irrigation season.

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 - Decreed

Sources are also known as Montana Mining Company Ditch Spring No. 9, Montana Mining Company Ditch Spring No. 10 and Montana Mining Company Ditch Spring No. 11.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

CA
NBS
JM
D

CERTIFICATE OF SERVICE

I certify that on DECEMBER 12, 2006, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

J. Dee May
Justin May
1419 W. Washington
P.O. Box 6091
Boise, ID 83707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

C. Tom Arkoosh
Arkoosh Law
301 Main St.
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Gooding, ID 83330

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form