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CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

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.: 37-7216
	)	(Uncontested Overlap)
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

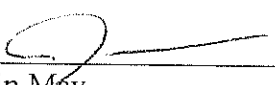
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

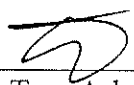
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions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

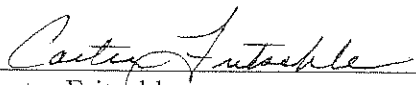
CLAIMANT:

OBJECTOR:


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


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

IDWR Concurrence:

	
<u>9-15-06</u>	<u>9-11-06</u>
Carter Fritschle	Nicholas B. Spencer
Date	Date
Section Manager Adjudication Bureau	Deputy Attorney General
	Attorney for IDWR

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

RIGHT NUMBER: 37-7216

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

SOURCE: SPRINGS

TRIBUTARY: SNAKE RIVER

QUANTITY: 4.000 CFS
381.00 AFY

~~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: 04/02/1973

POINT OF
DIVERSION:

T06S R13E S8 SESWSW Within GOODING County
T06S R13E S17 NENWNW Within GOODING County
2 points of diversion located in the NWNW, S17, T6S, R13E.

NBS *ct*
jm

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 11/01	2.540 CFS 381.00 AFY
FISH PROPAGATION	01/01 12/31	4.000 CFS

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and priority date earlier than the date a partial decree is entered for this right.

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	SENE	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

FISH PROPAGATION Within GOODING County

T06S R13E S17	NENW	T06S R13E S17	NWNW
T06S R13E S18 Lot 7	SENE		

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.

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

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

Source in T06S, R13E, S17, NENWNW is also known as Montana Mining Company Ditch Spring No. 11.

The facility volume for this right & Right 37-7712 shall not exceed 132,132 cubic feet.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.

Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.

NBS

CA

→

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

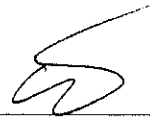
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

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

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☐ Hand-Delivered
☐ Facsimile

C. Tom Arkoosh
Arkoosh Law
301 Main St.
P.O. Box 32
Gooding, ID 83330

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



Signature of person or attorney mailing the form