

RECEIVED

JAN 31 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JAN 29 2007
By _____ Clerk Deputy Clerk

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	)	SPECIAL MASTER'S REPORT AND RECOMMENDATION; FINDINGS OF FACT AND CONCLUSIONS OF LAW
	)	
Case No. 39576	)	
	)	
	)	
_____	)	FOR WATER RIGHTS: 37-00789, 37-21721 AND 37-21722

I. FINDINGS OF FACT

A notice of claim was filed for water right 37-00789 pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

All *Objections* to the water right claim were resolved by stipulation of the parties with a *Standard Form 5* which resulted in splitting the former parent right 37-00789 into assigned split right numbers 37-21721 and 37-21722. All parties to the subcase and IDWR are signatories to the *Standard Form*.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 37-00789 **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 37-21721 and 37-21722 be **decreed** with the elements set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: January 29, 2007.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 29 2007

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-21721

By _____ Clerk
Deputy Clerk

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

SOURCE: SPRINGS TRIBUTARY: SNAKE RIVER

QUANTITY: 2.857 CFS

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 NENWNW Within Gooding County
NESESE
NENW

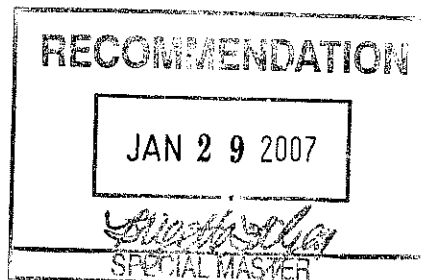
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.857 CFS

PLACE OF USE:	Irrigation	Within Gooding County
	T06S R13E S07	SESE 12.0
	S08	SWSW 7.0
	S17	NENW 8.0
	LOT 1	(SWNW) 20.0
	LOT 2	(NESW) 1.0
	S18 LOT 7	(NENE) 4.0
	LOT 2	(NWSW) 5.0
	LOT 7	(SENE) 1.0
	92.0 Acres Total	

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. I.C. SECTION 42-1412(6).



RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 29 2007

By _____ Clerk
Deputy Clerk

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Case No. 39576)
Water Right 37-21722

NAME AND ADDRESS: CHARLES R ATKINSON
MONICA C CORNELISSEN
PO BOX 3692
KETCHUM, ID 83340

SOURCE: SPRINGS TRIBUTARY: SNAKE RIVER

QUANTITY: 0.643 CFS

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 NENWNW Within Gooding County
NESESE
NENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.643 CFS

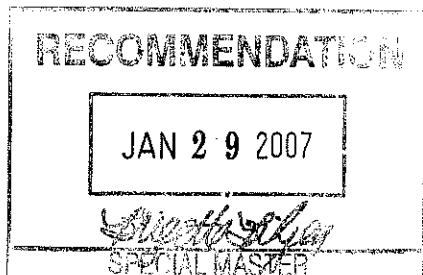
PLACE OF USE: Irrigation Within Gooding County
T06S R13E S17 LOT 1 (SWNW) 2.0
LOT 2 (NESW) 10.0
35.0 Acres Total

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

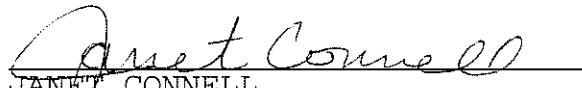
Water Right(s): 37-00789
37-21721 37-21722

On January 29, 2007, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED January 29, 2007.


JANET CONNELL
Deputy Clerk

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 37-00789
37-21721 37-21722

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on January 29, 2007, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

N STANLEY STANDAL
Represented by:
DAVID HEIDA
301 MAIN STREET
PO BOX 32
GOODING, ID 83330
Phone: 208-934-8872

BLACK CANYON BLISS LLC
CHARLES R ATKINSON
Represented by:
J DEE MAY
PO BOX 1846
TWIN FALLS, ID 83303
Phone: 208-733-7180

CERTIFICATE OF MAILING

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01/29/07

CHARLES R ATKINSON
MONICA C CORNELISSEN
PO BOX 3692
KETCHUM, ID 83340

BLACK CANYON BLISS LLC
PO BOX 95
RUPERT, ID 83350
Phone: 208-352-4687


JANET CONNELL
Deputy Clerk