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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
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT: 37-00793
_____	)	

I. FINDINGS OF FACT


A notice of claim was filed for this water right 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.

An *Objection* was filed by N. Stanley Standal on March 10, 2006. The *Objection* was resolved on December 13, 2006 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

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

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 37-00793

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

JAN 29 2007

By \_\_\_\_\_ Clerk  
Deputy Clerk

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

SOURCE: SPRINGS TRIBUTARY: SNAKE RIVER

QUANTITY: 2.00 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

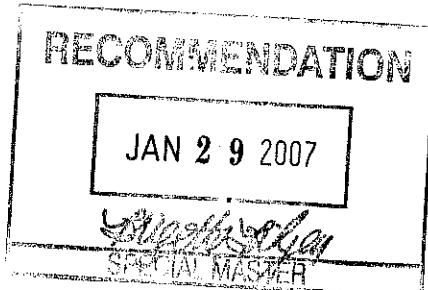
PURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
Irrigation 03-15 TO 11-15 2.00 CFS

PLACE OF USE: Irrigation Within Gooding County  
T06S R13E S07 SESE 12.0  
S08 SWSW 7.0  
S17 NENW 8.0 NWNW 29.0  
LOT 1 (SWNW) 20.0 SENW 5.0  
LOT 2 (NESW) 1.0 LOT 2 (NWSW) 5.0  
S18 LOT 7 (NENE) 4.0 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.

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

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DEMANDS  
WATER RIGHTS

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	)	NOTICE OF ISSUANCE OF
	)	SPECIAL MASTER'S
Case No. 39576	)	RECOMMENDATION
	)	
_____	)	Water Right(s): 37-00793

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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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

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 37-00793

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

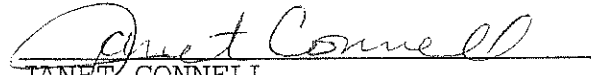
N STANLEY STANDAL  
Represented by:  
DAVID HEIDA  
301 MAIN STREET  
PO BOX 32  
GOODING, ID 83330  
Phone: 208-934-8872

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

PAGE 1  
01/29/07

BLACK CANYON BLISS LLC  
PO BOX 95  
RUPERT, ID 83350

  
JANET CONNELL  
Deputy Clerk