

09/12/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21319

NAME AND ADDRESS: BLACK CANYON FARMS INC
C/O JERRY JARAMILLO
317 RIVER RD
BLISS ID 83314

SOURCE: SPRING

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.000 CFS

Right Nos. 37-21222 and 37-21319 are limited to a total combined rate of diversion of 6.00 cfs.

PRIORITY DATE: 04/02/1973

POINT OF DIVERSION:

T06S R13E S17 NESESE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	01/01 12/31	2.000 CFS

PLACE OF USE: FISH PROPAGATION Within GOODING County

T06S R13E S18 Lot 7 SENE

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

This right is a split from former right 37-7217.

Source is also known as Montana Mining Company Ditch Spring No. 9.

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

Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 32F.

Facility volume = 74,312 cubic ft.

Points of rediversion from Montana Mining Co. ditch located with SESE, NWSE, S17, T06S, R13E.

03/02/2005

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37-21222

37-21319

of 3-2-05

Split of license 37-7217

Standal's ponds appear to receive 4.00 cfs

Black Canyon Farms' ponds appear to receive 2.00 cfs

By splitting facility volume

Standal's ponds

$$\frac{206,520 \text{ ft}^3}{280,832 \text{ ft}^3} = 73.5\%$$

Black Canyon Farms' ponds

$$\frac{74,312 \text{ ft}^3}{280,832 \text{ ft}^3} = 26.5\%$$

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-21319
Date Received: 6/30/2004
Receipt No: 6074556
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

BLACK CANYON FARMS INC Phone:
C/O JERRY JARAMILLO
317 RIVER RD
BLISS ID USA 83314

2. Date of Priority: 04/02/1973 *

3. Source: SPRING Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	13E	17	SE SE	GOODING	
06S	13E	17	SE SE	GOODING	R
06S	13E	17	NW SE	GOODING	R

5. Description of diverting works:

Points of redirection from Montana Mining Company Ditch.
(License 37-7217 was split with Standal who purchased lands in Lot 3, Sec. 17, T6S, R13E) Ditch and pipeline for 2.0 cfs to fish ponds in claimant's lands in Lot 7 (SE1/4NE1/4), Sec. 18, T6S, R13E, then into Snake River.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
FISH PROPAGATION	01/01	12/31	2	

7. Total Quantity Appropriated is:
2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	13E	18	SE NE	7	FISH PROPAGATION	

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 37-7217.

15. Basis of Claim: License

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

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576
Ident. Number 37-7217 37-21319
Date Received 6-30-04
Receipt Number 0074356

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

RECEIVED
JUN 30 2004
Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Black Canyon Farms, Inc. Phone (208) 352-4687
Mailing Address c/o Jerry Jaramillo, 317 River Rd., Bliss, ID Zip 83314

2. Date of Priority (Only one (1) per claim) 04/02/1973

3. Source of water supply (a) a spring
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 6 South Range 13 East Section 17,
SE 1/4 of SE 1/4 of 1/4, Govt. Lot, B.M., County of Gooding

Additional points of diversion if any: SE 1/4 SE 1/4 & NW 1/4 SE 1/4, Sec. 17, T6S, R13E - points of rediversion from
Montana Mining Company Ditch

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

(License 37-7217 was split with Standal who purchased lands in Lot 3, Sec. 17, T6S, R13E)
Ditch and pipeline for 2.0 cfs to fish ponds in claimant's lands in Lot 7 (SE 1/4 NE 1/4),
Sec. 18, T6S, R13E, then into Snake River

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For fish propagation (FP) purposes from 01/01 to 12/31 amount 2.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Fish propagation in ponds into which spring water flows and then empties into Snake River

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6 S	13 E	18				L. / FP													

Total number of acres irrigated None

11. In which county (ies) are lands listed above as place of use located? Gooding

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

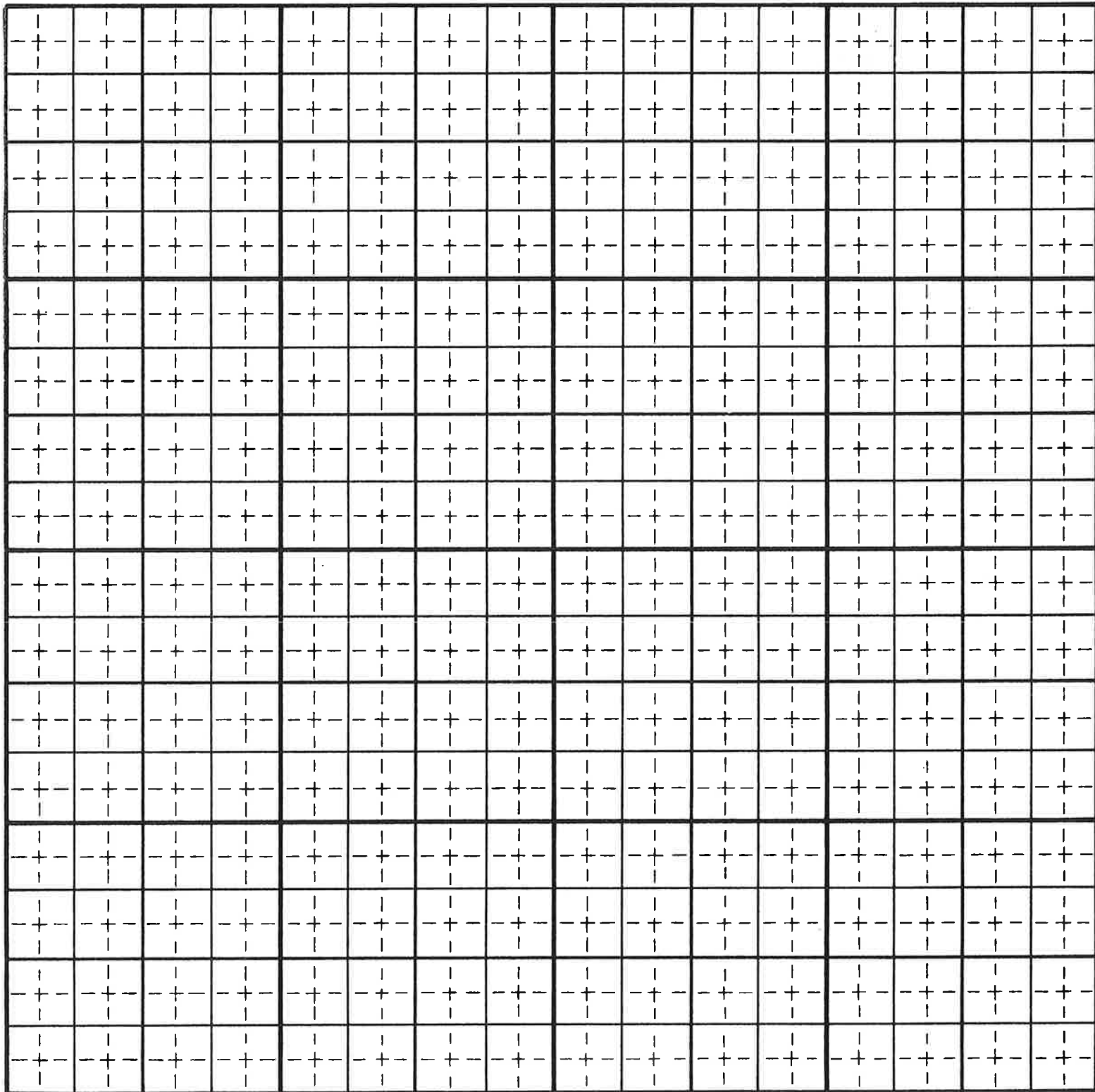
37-7216 and 37-7712 or None ()

14. Remarks:

This License 37-7217 was split with Standal, who purchased lands in Lot 3, Sec. 17, T 6 S, R 13 E, B.M., wherein fish ponds using 4.0 of the total licensed 6.0 cfs are located. The remaining 2.0 cfs are used in fish ponds located as described in #10 above (See Field Reports in File #37-7217)

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



(SEE 2 MAPS ACCOMPANYING CLAIM No. 37-789)

Last Name Black Canyon Farms, Inc. Ident No. 37-7217

Copies: *White-State, Yellow-Claimant*

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ President _____
Title _____
of Black Canyon Farms, Inc., an Idaho corporation _____, that I have signed the foregoing
Organization _____
document in the space below as _____ President _____ of _____ such corporation
Title _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Jerry Garamilla
Title and Organization President of Black Canyon Farms, Inc. Date _____

State of Idaho/or _____)
County of Goodly) SS.

Subscribed and sworn (or affirmed) before me this 11 day of JUNE 192004



Notary Public Mark E. Bolduc
Residing at 1462 mo- (Hagerman)
My Commission Expires 06-08-06

Please Print Name

17. Notice of Appearance: Thomas A. Miller of
Notice is hereby given that I, Hawley Troxell Ennis & Hawley LLP will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature Thomas A. Miller
P O Box 1617, Boise, ID 83701
Address Suite 1000, 877 Main St., Boise, ID 83702
Date June 30, 2004

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that Lynn E. Stevenson
of Bliss, Idaho, has complied with the terms and conditions of Permit
No. 37-7217 issued pursuant to Application for Permit dated April 2, 1973,
and has submitted proof to the Department of Water Resources on April 27, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 6.57 cfs of water from a spring
tributary to Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Fish Propagation	from January 1 to December 31	at 6.0 cfs and	N/A
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 6.0 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed N/A acre feet per year, said waters to be diverted within the SE¹SE¹ Section 17, Twp 6S, Rge 13E in the County of Gooding

Description and location of place of use:

[illegible]

Total number of acres irrigated _____

MAR 06 1987

CONDITIONS OF APPROVAL

a. Modifications to or variance from this license must be made within the limits of Section 42-222, **Idaho Code**, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 32F.

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

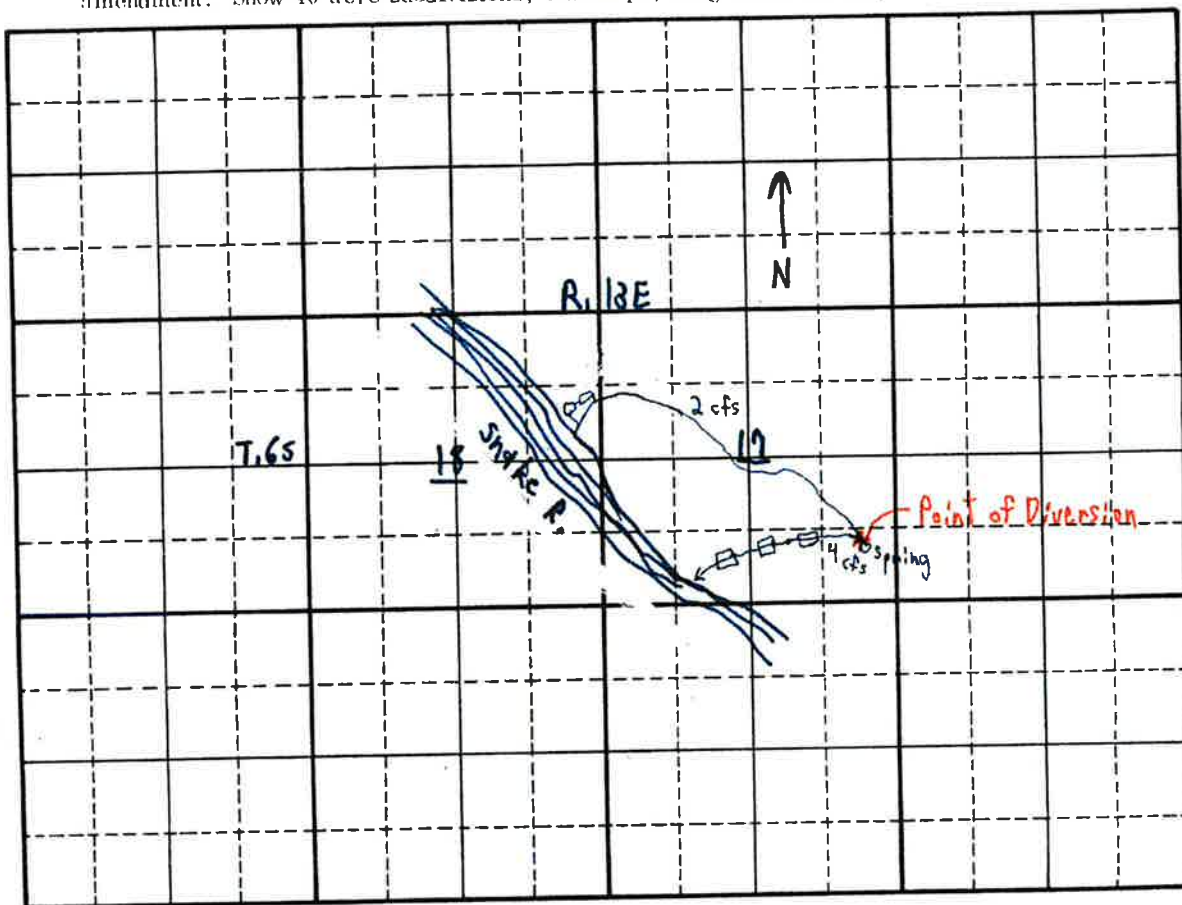
Facility Volume = 280,832 cubic feet.

Points of redirection from the Montana Mining Co. ditch are located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ & NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, Twp 6S, Rge 13E.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27TH day of JANUARY, 1987.


Director

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at June Falls, Idaho this 27th day of April, 19 78.

Lynn E. Stevenson
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, Chief, Operations Bureau, ~~XXXXXX~~ of the Department of Water Resources

hereby APPROVE this application for amendment on Permit No. 37-7217.

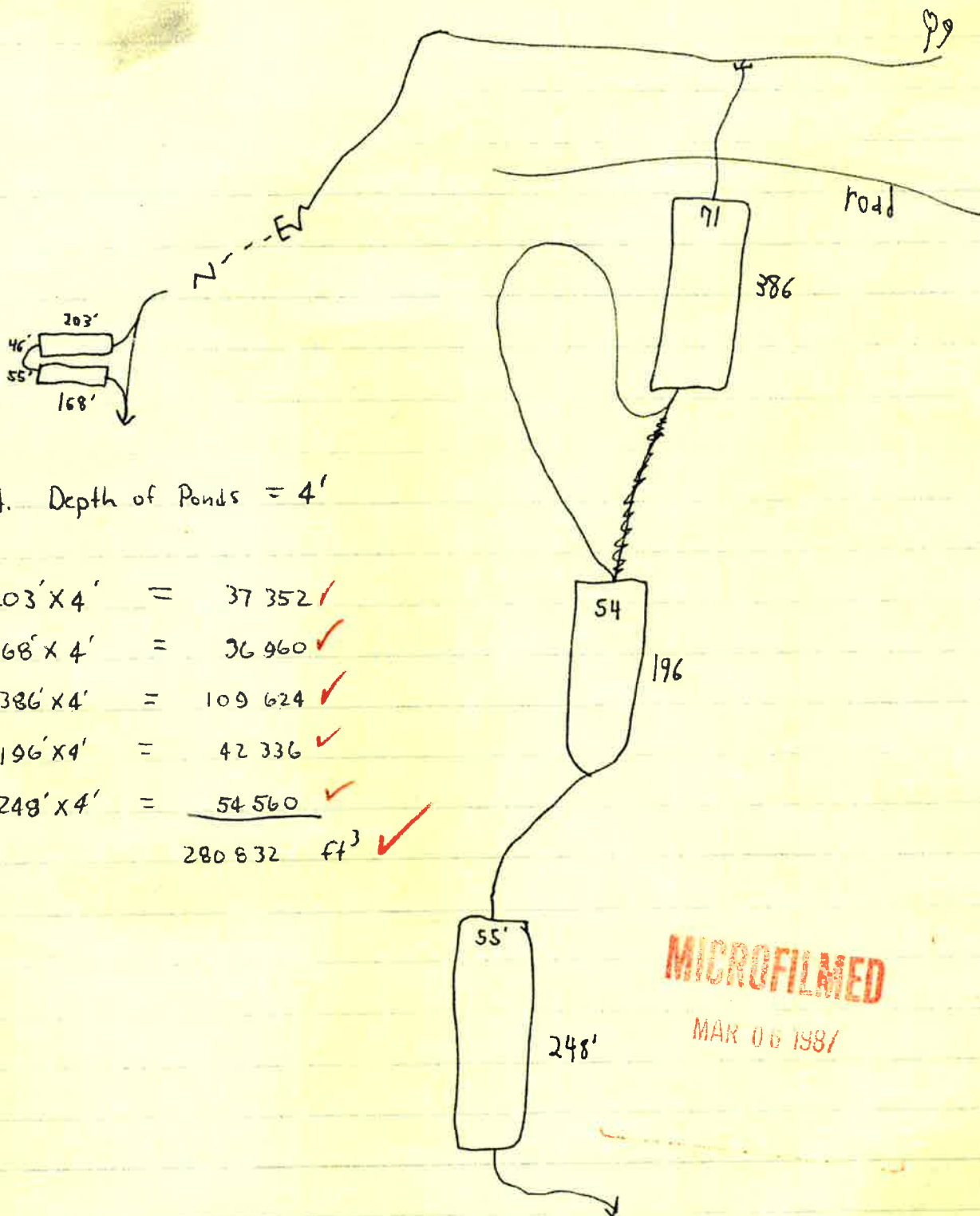
Witness my hand this 25th day of July, 19 78.

L. Glen Saxton
L. GLEN SAXTON

Chief, Operations Bureau

MICROFILMED

MAR 06 1987



Est. Depth of Ponds = 4'

$$\begin{aligned}
 46' \times 203' \times 4' &= 37\,352 \checkmark \\
 55' \times 168' \times 4' &= 36\,960 \checkmark \\
 71' \times 386' \times 4' &= 109\,624 \checkmark \\
 54' \times 196' \times 4' &= 42\,336 \checkmark \\
 55' \times 248' \times 4' &= 54\,560 \checkmark \\
 \hline
 &280\,832 \text{ ft}^3 \checkmark
 \end{aligned}$$

MICROFILMED
MAR 06 1987