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RECEIVED**JUN 23 2009**DEPARTMENT OF
WATER RESOURCES**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 Nos. 47-2337****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.

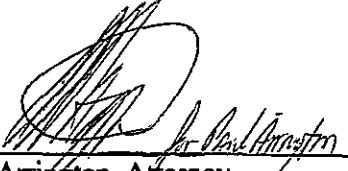
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions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

Twin Falls Canal Company


 Thomas B. Dominick, Attorney Date


 Paul Arrington, Attorney Date

STANDARD FORM 5 - 47-2337

IDWR Concurrence:

for *Donald V. Shaff* _____
Donald V. Shaff Date
Adjudication Bureau Chief

Wick Spencer *6-17-09*
For Garrick Baxter Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on June 19, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid 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, Idaho 83303-2707

2. Copies to:

TWIN FALLS CANAL COMPANY
Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485

WILLIAM S. ROOT
Represented by:
THOMAS B. DOMINICK
DOMINICK LAW OFFICES PLLC
500 W BANNOCK
BOISE, ID 83702

WILLIAM S. ROOT
CIRCLE S. WEST
1115 E 4400 N
BUHL, ID 83316

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


Signature of person or attorney mailing the form

05/04/2009

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

RIGHT NUMBER: 47-2337

NAME AND ADDRESS: WILLIAM S ROOT
CIRCLE S WEST
1115 E 4400 N
BOHL ID 83316

SOURCE: DEEP CREEK
SPRING

TRIBUTARY: SNAKE RIVER
TRIBUTARY: DEEP CREEK

QUANTITY: 3.980 CFS
796.00 APY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands below.

The rights listed below are limited to a total combined diversion rate of 3.98 cfs.
Combined Right Nos.: 47-2337, 47-4101, 47-4461, 47-4462

PRIORITY DATE: 06/05/1958

POINT OF
DIVERSION:

T09S R14E S17 NESESW Within TWIN FALLS County
T09S R14E S17 SWSWE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	3.980 CFS 796.00 APY

PLACE OF USE:

IRRIGATION in TWIN FALLS County

RIGHT	ACRES	RIGHT	ACRES
T09S R14E S16 NWNW	18.00	T09S R14E S16 SWNW	13.00
T09S R14E S16 NESW	4.50	T09S R14E S16 NWSW	29.00
T09S R14E S16 SWSW	9.50	T09S R14E S16 SESW	10.00
T09S R14E S16 NWSE	13.00	T09S R14E S16 SWSE	24.00
T09S R14E S17 NENE	27.00	T09S R14E S17 SENE	28.00
T09S R14E S17 NESE	15.00	T09S R14E S17 SESE	8.00

199 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 199 acres in a single irrigation season. Combined Right Nos.: 47-2337, 47-4101, 47-4461, 47-4462

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The operation, use and administration of this water right is subject to the terms and conditions of the agreement with Twin Falls Canal Company recorded in the Twin Falls County Records Office as Instrument No. 2009-013359.

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

SF5 Amended Director's Report

TDD