

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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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. 47-4101

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:

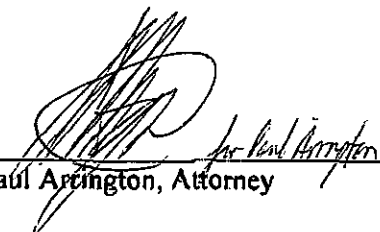
William S. Root

Circle S. West

OBJECTORS:

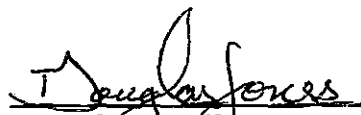
Twin Falls Canal Company


Thomas B. Dominick, Attorney Date

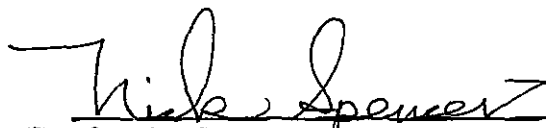

Paul Arrington, Attorney Date

STANDARD FORM 5 - 47-4101

IDWR Concurrence:


Donald V. Shaff
Adjudication Bureau Chief

Date


FOR Garrick Baxter
Deputy Attorney General

Date

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: 47-4101

NAME AND ADDRESS: WILLIAM S ROOT
CIRCLE 6 WEST
1115 N 4400 N
BURL ID 83316

SOURCE: UNNAMED STREAM

TRIBUTARY: DEEP CREEK

QUANTITY: 0.720 CFS

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

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/15/1936

POINT OF DIVERSION:

T09S R14E S16 SE9WSE Within TWIN FALLS County
T09S R14E S21 NENWNE Within TWIN FALLS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.720 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in TWIN FALLS County

T09S R14E S16	NENW	18.00	T09S R14E S16	SWNW	13.00
T09S R14E S16	NESW	4.50	T09S R14E S16	NNSW	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

STOCKWATER same as IRRIGATION

199 ACRES TOTAL

This right is limited to the irrigation of 36 acres within the place of use described above in a single irrigation season.

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 quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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.

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 Recorder's Office as Instrument No. 2009-013159.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SF5 Amended Director's Report

TRD

NBS