

RECEIVED

JUL 17 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUL 16 2009	
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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 47-02337,
) 47-04101, 47-04461, and 47-04462

I. FINDINGS OF FACT

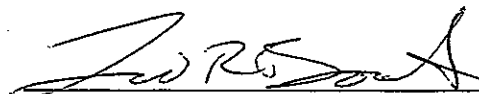
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On September 14 and 17, 2007, the Twin Falls Canal Company, through its attorney Paul L. Arrington, filed objections to the *Director's Report* for water rights 47-02337, 47-04101, and 67-04462, asserting that a remark should be added clarifying that the source is wastewater. Water right 47-04461 was identified as an uncontested claim that may be affected by contested claim 47-02337. On June 22, 2009, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in each of the contested subcases, which resolved the objections. The Idaho Department of Water Resources concurred with the stipulations.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 47-02337, 47-04101, 47-04461, and 47-04462 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated July 16, 2009


Theodore R. Booth
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
JUL 16 2009
By _____ Clerk Deputy Clerk

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 47-02337

NAME AND ADDRESS: WILLIAM S ROOT
CIRCLE S WEST LLC
1115 E 4400 N
BUHL, ID 83316

SOURCE: DEEP CREEK TRIBUTARY: SNAKE RIVER
SPRING TRIBUTARY: DEEP CREEK

QUANTITY: 3.98 CFS
796.00 AFY

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
SWSWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.98 CFS 796.00 AFY

PLACE OF USE:	Irrigation	Within Twin Falls County
	T09S R14E S16	NWNW 18.0 NESW 4.5 SWSW 9.5 NWSE 13.0
	S17	SESW 10.0 SWSE 24.0 SENE 28.0 NESE 15.0
	199.0 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:

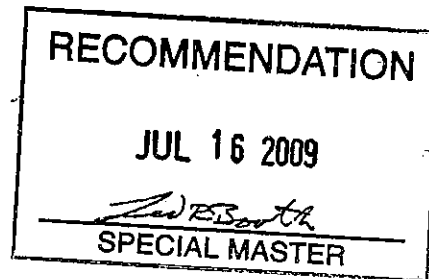
The operation, use and administration of this water right is subject to the terms and conditions of the agreement with Twin Falls Canal Company recorded in the Twin Falls County Recorders Office as Instrument No. 2009-013359.

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. 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



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 JUL 16 2009 By _____ Clerk Deputy Clerk

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 47-04101

NAME AND ADDRESS: WILLIAM S ROOT
CIRCLE S WEST LLC
1115 E 4400 N
BUHL, ID 83316

SOURCE: UNNAMED STREAM TRIBUTARY: DEEP CREEK

QUANTITY: 0.72 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
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: 03/15/1936

POINT OF DIVERSION: T09S R14E S16 W1/4 SESWSE Within Twin Falls County
S21 NENWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.72 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Irrigation	Within Twin Falls County
	T09S R14E S16	NWNW 18.0 SWNW 13.0
		NESW 4.5 NWSW 29.0
		SWSW 9.5 SESW 10.0
		NWSE 13.0 SWSE 24.0
	S17	NENE 27.0 SENE 28.0
		NESE 15.0 SESE 8.0
	199.0 Acres Total	

Stockwater	Within Twin Falls County
Same as Irrigation	

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:

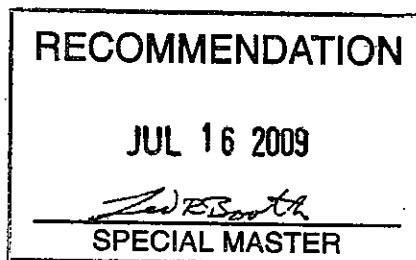
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
The operation, use and administration of this water right is subject to the terms and conditions of the agreement with Twin Falls Canal Company recorded in the Twin Falls County Recorders 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. I.C. SECTION 42-1412(6).

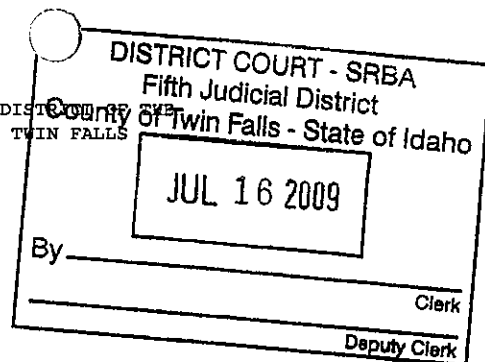
RULE 54(b) CERTIFICATE

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



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
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 47-04461

NAME AND ADDRESS: WILLIAM S ROOT
CIRCLE S WEST LLC
1115 E 4400 N
BUHL, ID 83316

SOURCE: DEEP CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.16 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: 03/15/1925

POINT OF DIVERSION: T09S R14E S17 NESESW Within Twin Falls County
SWSWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.16 CFS
	Stockwater	01-01 TO 12-31	0.066 CFS

PLACE OF USE:	Irrigation	Within Twin Falls County
T09S R14E S16	NWNW 18.0	SWNW 13.0
	NESW 4.5	NWSW 29.0
	SWSW 9.5	SESW 10.0
	NWSE 13.0	SWSE 24.0
S17	NENE 27.0	SENE 28.0
	NESE 15.0	SESE 8.0
	199.0 Acres Total	

Stockwater Within Twin Falls County
Same as Irrigation

This right is limited to the irrigation of 108 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:

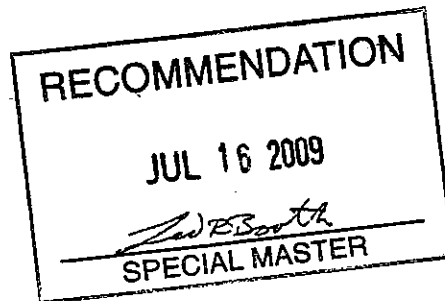
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

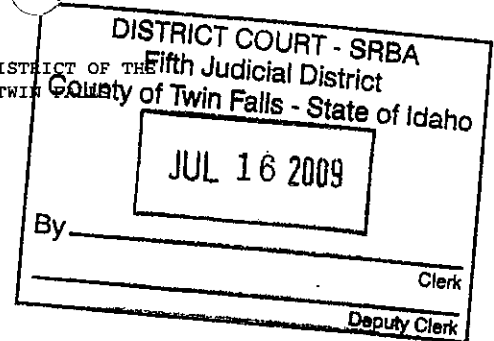
RULE 54(b) CERTIFICATE

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



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)
)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 47-04462

NAME AND ADDRESS: WILLIAM S ROOT
CIRCLE S WEST LLC
1115 E 4400 N
BUHL, ID 83316

SOURCE: SPRING TRIBUTARY: DEEP CREEK

QUANTITY: 2.50 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

PRIORITY DATE: 03/15/1935

POINT OF DIVERSION: T09S R14E S17 SESESW Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.50 CFS

PLACE OF USE:	Irrigation	Within Twin Falls County
	T09S R14E S16	NWNW 18.0 NESW 4.5 SWSW 9.5 NWSE 13.0 S17 NENE 27.0 NESE 15.0
		SWNW 13.0 NWSW 29.0 SESW 10.0 SWSE 24.0 SENE 28.0 SESE 8.0
	199.0 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
This right is limited to the irrigation of 125 acres within the
place of use described above in a single irrigation season.

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

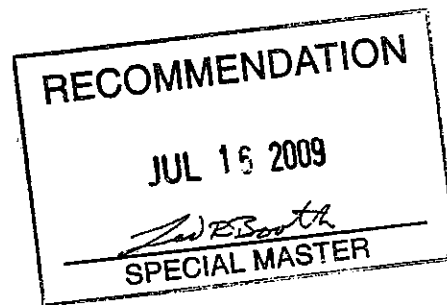
The operation, use and administration of this water right is
subject to the terms and conditions of the agreement with Twin
Falls Canal Company recorded in the Twin Falls County Recorders
Office as Instrument No. 2009-013359.

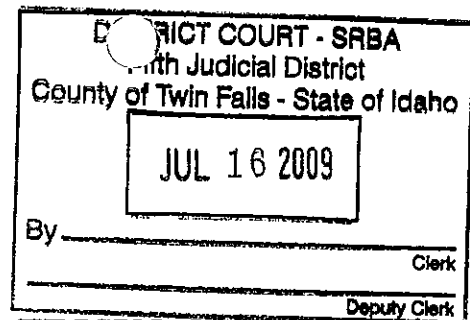
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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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





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

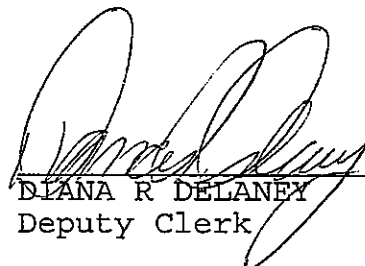
Water Right(s): 47-02337
47-04101 47-04461 47-04462

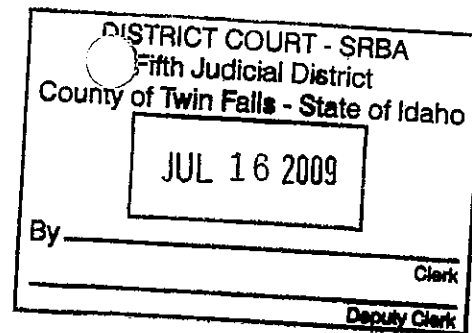
On July 16, 2009, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 July 16, 2009.


DIANA R DELANEY
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): 47-02337
47-04101 47-04461 47-04462

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 July 16, 2009, with sufficient first-class postage prepaid to the following:

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

TWIN FALLS CANAL COMPANY
Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

CERTIFICATE OF MAILING

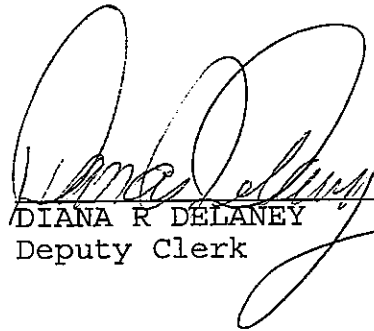
PAGE 1
07/16/09

WILLIAM S ROOT

Represented by:
THOMAS B. DOMINICK
DOMINICK LAW OFFICES PLLC
500 W BANNOCK
BOISE, ID 83702
Phone: 208-336-2844

WILLIAM S ROOT

CIRCLE S WEST LLC
1115 E 4400 N
BUHL, ID 83316
Phone: 208-543-8693



DIANA R DELANEY
Deputy Clerk