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OCT 23 2009

DEPARTMENT OF
WATER RESOURCES

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

OCT 22 2009

By _____ 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

ORDER OF PARTIAL DECREES

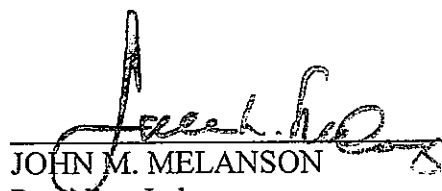
Subcases: 47-02337 & 47-04461
(Root)

On July 16, 2009, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

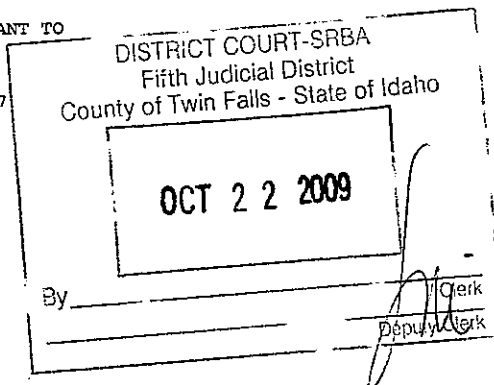
DATED October 22, 2009.


JOHN M. MELANSON
Presiding Judge
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 47-02337



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	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	

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

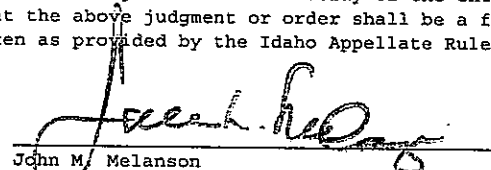
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 47-04461

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

OCT 22 2009

By _____

Clerk

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

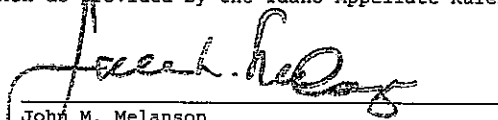
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

A handwritten signature in dark ink, appearing to read "John M. Melanson", is written over a horizontal line.

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on October 22, 2009, with sufficient first-class postage to the following:

TWIN FALLS CANAL COMPANY

Represented by:

PAUL L ARRINGTON

113 MAIN AVE W, STE 303

PO BOX 485

TWIN FALLS, ID 83303-0485

Phone: 208-733-0700

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

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.