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Department of Water Resources
Adjudication Bureau

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

) Subcase No. 63-04466
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)
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)
)

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.

CLAIMANTS

Harold Duane & Margaret M. Root

Harold Duane Root - Oct 16 2008
Date

Margaret M. Root Oct 2 2008
Date

STANDARD FORM 5 - 63-04466

OBJECTOR

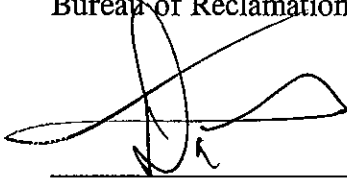
Wilder Irrigation District

Albert P. Barker 10/2/08
Albert P. Barker, Attorney Date

Harold Duane Root
MR.

RESPONDENT

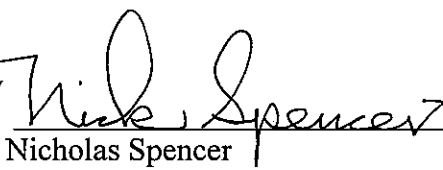
United States on behalf of
Bureau of Reclamation



11/5/08

David Gehlert
Attorney, U.S. Department of Justice
Environment and Natural Resources Division

IDWR Concurrence:

	10-23-08		10-20-08
IDWR Agent	Date	Nicholas Spencer Deputy Attorney General	Date

9/28
MR

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

RIGHT NUMBER: 63-4466

NAME AND ADDRESS: HAROLD DUANE ROOT
17481 GARNET RD
WILDER ID 83676MARGARET M ROOT
17481 GARNET RD
WILDER ID 83676

SOURCE: FARGO WASTEWAY

TRIBUTARY: SNAKE RIVER

The source of this water right is waste water. The wasting of water may be discontinued at any time.

QUANTITY: 0.660 CFS

This right when combined with all other rights shall not exceed 0.02 cfs per acre.

PRIORITY DATE: 07/01/1966

POINT OF DIVERSION:

T03N R05W S3 NESE Within CANYON County

T03N R05W S3 NESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.660 CFS

PLACE OF USE: IRRIGATION in CANYON County

T03N R05W S03	NESE	28.00	T03N R05W S03	NWSE	5.00
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33 ACRES TOTAL

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

An easement or right of way agreement providing for access to the drain by its owner and those responsible for maintaining it - and/or for access to the drain by the appropriator to divert water pursuant to this right - must be executed among the appropriator, the owner of the drain, and, if appropriate, those responsible for maintaining the drain. Failure to execute such an agreement will constitute grounds for legal action to prevent water from being diverted under this 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 - Beneficial Use

Use of this right is combined with water from Wilder Irrigation District.

CERTIFICATE OF MAILING

I certify that on Nov. 5, 2008, 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:

WILDER IRRIGATION DISTRICT

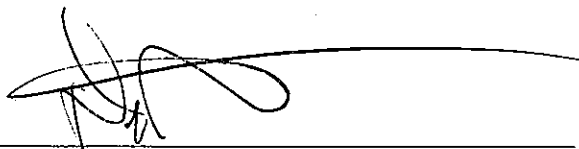
Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

HAROLD DUANE ROOT
MARGARET M ROOT
17481 GARNET RD
WILDER, ID 83676



Signature of person or attorney mailing the form

Handwritten initials:
JMR
MR.