



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN
September 15, 2008

Shelley M. Davis, Attorney
BARKER, ROSHOLT & SIMPSON, LLP
P.O. Box 2139
Boise, Idaho 83701-2139

Re: Subcase No. 63-27051

Dear Ms. Davis:

Enclosed please find the original documents entitled "Standard Form 5 – Stipulated Elements of a Water Right" (commonly referred to as SF 5) for the above referenced subcase nos. for Basin 63.

Please review the new recommendation which is attached to the original SF 5 documents. If all the information is correct, please sign and date the first page of the original and initial the page entitled "Recommendation of Water Rights Acquired Under State Law." After you have signed and initialed the original, **please return the documents to our office in the self addressed stamped envelope** provided for your convenience. Our office will gather the remaining signatures and make sure the documents are subsequently filed with the Court.

If you have any questions regarding this process or the enclosed documents please do not hesitate to call me at 287-4814.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "Renea Ridgeway". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Renea Ridgeway
Paralegal, IDWR

Enclosures

**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. 63-27051
)
)
)
)
)
)

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

Donald J. and Cindy Roberts

OBJECTOR

Boise Kuna Irrigation District

 *Shelley M. Davis* 9/10/08
Date

Shelley M. Davis, Attorney

Date

Cindy Roberts 9-10-08
Date

RESPONDENT

United States on behalf of
Bureau of Reclamation

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

IDWR Concurrency:

IDWR Agent _____ Date _____

Nicholas Spencer
Deputy Attorney General

Date

CERTIFICATE OF MAILING

I certify that on 9/10, 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

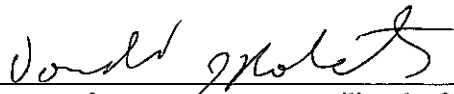
2. Copies to:

BOISE KUNA IRRIGATION DIST
Represented by:
SHELLEY M DAVIS
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

CINDY ROBERTS
DONALD J ROBERTS
1555 S. SOUTHSIDE BLVD
MELBA, ID 83641



Signature of person or attorney mailing the form

08/21/2008

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

RIGHT NUMBER: 63-27051

NAME AND ADDRESS: CINDY ROBERTS
1555 S. SOUTHSIDE BLVD
MELBA ID 83641

DONALD J. ROBERTS
1555 S. SOUTHSIDE BLVD
MELBA ID 83641

SOURCE: WASTE WATER

TRIBUTARY: SNAKE RIVER

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.

QUANTITY: 0.430 CFS

PRIORITY DATE: 03/15/1952

POINT OF
DIVERSION:

T01S R02W S12 NWNESE 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	0.460 CFS

PLACE OF USE: IRRIGATION in CANYON County

T01S R02W S12	NESW	1.60	T01S R02W S12	NWSW	21.00
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22.6 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER 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.

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

~~Water shall not be diverted under this right until an easement or right of way with the owner of the drain providing for access to the drain is filed with the Department.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

