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APR 04 1995

Department of Water Resources
Adjudication Bureau

4-3

**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	)	STANDARD FORM 5
	)	
Case No. 39576	)	SUBCASE NO: 36-07690A
	)	
	)	
	)	PROPOSED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the proposed elements of one federal reserved water right or one water right acquired under state law. Submission of this form will not result in the automatic 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; and they have been served with sufficient process, according to the law, and have appeared, prosecuted and defended their positions with regard to this water right dispute.

Instructions For Use

A copy of this water right as recommended in the director's report shall be submitted with this form. A statement shall accompany **each** element of a water right.

Elements where there has been no objection should be listed exactly as they appear in the director's report. The statement as to an uncontested element shall state "as recommended in the director's report."

Contested elements that are the result of an objection filed with the court shall be accompanied by a statement fully describing all facts, documents, expert opinions and law which support the element of the water right (attach additional pages if necessary).

1. The name and address of the claimant is:

PAUL ROBERTSON
RT 1 BOX 1589
PAUL ID 83347

Required Statement: This is the address for the current owners of this water right as shown by the Standard Form 3 previously filed with the court by the current owners.

2. The source of water is: GROUNDWATER

Required Statement: As recommended in the director's report.

3. The quantity of water used in cubic feet per second or the quantity of water stored in acre-feet per year is:

IRRIGATION	2.24	CFS
	448.0	AFY
TOTAL QUANTITY:	2.24	CFS
	448.0	AFY

Required Statement: As recommended in the director's report.

4. The priority date is: 04/06/1978

Required Statement: As recommended in the director's report.

5. The legal description of the point(s) of diversion is; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow:

T06S R21E S31 SESWSE
T07S R21E S04 LOT 3 (NENW)

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINTS OF DIVERSION DESCRIBED ABOVE: 36-07690B, 36-15379, AND LICENSE 36-07446.

USE OF THIS RIGHT WITH THE RIGHTS LISTED ABOVE IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.82 CFS.

Required Statement: IDWR and the parties stipulate that this is the correct description of the point of diversion. The claim is not for an instream flow. Where a point of

diversion is identified by government lot no., the legal description is the government lot; quarter-quarter descriptions are also provided in parentheses for the convenience of those who do not have ready access to U.S. government plat maps.

6. The purpose of use is: IRRIGATION

Required Statement: As recommended in the director's report.

7. The period of year when the water is to be used is:

IRRIGATION 04-01 to 10-31

Required Statement: As recommended in the director's report.

8. The legal description of the place of use or of the reservation is:

T06S R21E S31

Lot 2 (NWNW) 40.0 acres, Lot 3 (NWNW) 16.0 acres, Lot 4 (SWNW) 16.0 acres, Lot 5 (SWNW) 40.0 acres

112.0 ACRES TOTAL

Required Statement: As recommended in the director's report. Where all or part of the place of use is identified by government lot no., the legal description is the government lot; quarter-quarter descriptions are also provided in parentheses for the convenience of those who do not have ready access to U.S. government plat maps. The place of use is located in Lincoln County, Idaho.

9. The annual volume of consumptive use is: 336.0 AFY

Required Statement: As recommended in the director's report.

10. Other matters necessary to define this water right: Not applicable.

These matters are necessary because: Not applicable.

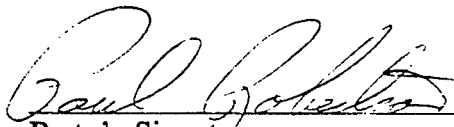
These matters do not fall within the 9 elements listed above because: Not applicable.

Signature and Address of Parties and their Attorney of Record

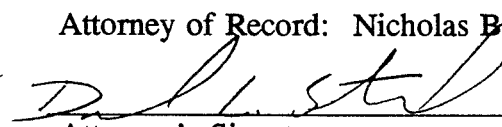
I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Name: Paul Robertson
Address: Rt 1 Box 1589
City/State/Zip: Paul ID 83347
Attorney of Record:

Name: Idaho Dept. of Water Resources
Address: P.O. Box 83720
City/State/Zip: Boise, ID 83720-0098
Attorney of Record: Daniel L. Steckel
Attorney of Record: Nicholas B. Spencer

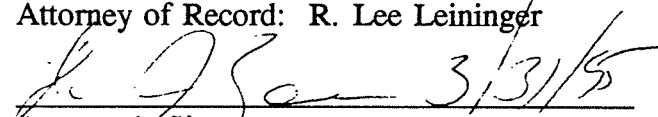
 3-20-94

Party's Signature Date

 3/9/95

Attorney's Signature Date

Name: United States through
Address: Department of Justice
601 Pennsylvania Ave. NW
City/State: Washington, DC 20004
Attorney of Record: R. Lee Leininger

 3/31/95

Attorney's Signature Date

Court Representative (if necessary)

Date

AJ5856NP

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

DATE: MAR-8-1995
PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE		MAXIMUM QUANTITY	BASIS OF CLAIM
				FROM	TO		
SOURCE: GROUNDWATER							
36-07690A	PAUL ROBERTSON RT 1 BOX 1589 PAUL ID 83347	04/06/1978	IRRIGATION	04-01	10-31	2.24 448.0	CFS AFY LICENSE
TOTAL QUANTITY:						2.24	CFS

POINT OF DIVERSION:

T06S R21E S31 SESUSE
T07S R21E S04 LOT 3 (NENE)
PLACE OF USE: IRRIGATION

TOTAL QUANTITY: 2.24 CFS
CONSUMPTIVE USE: 448.0 AFY
336.0 AFY

T06S R21E S31 Lot 2 (NMNW) 40.0 Lot 3 (NMNW) 16.0 Lot 4 (SNWN) 16.0 Lot 5 (SNWN) 40.0
112.0 ACRES TOTAL
REMARKS: THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINTS OF
DIVERSION DESCRIBED ABOVE: 36-076908, 36-15379, AND LICENSE
36-07446.
USE OF THIS RIGHT WITH THE RIGHTS LISTED ABOVE IS LIMITED TO
A TOTAL COMBINED DIVERSION RATE OF 9.82 CFS.

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF SERVICE

I certify that on the 31st day of March, 1995, 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
PO Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Daniel Steckel/Susan Hamlin
Deputy Attorneys General
State of Idaho
1301 N. Orchard St.
Boise, Idaho 83702

Department of Justice
550 West Fort Street
Box 33
Boise, ID 83724-0663

Paul Robertson
Rt. 1 Box 1589
Paul, Idaho 83347

Barbara E. Taylor