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1995 MAY 16 PM 2:08
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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	)	Subcase No.: 34-00163
	)	
Case No. 39576	)	ORDER REQUIRING AMENDED
	)	STANDARD FORM 5
	)	

On March 7, 1995, a *Standard Form 5, Proposed Elements of a Water Right* was filed with the court for this water right. The signatories to the *Standard Form 5* are: one of the claimants, Jean H. McAfee; and the respondent, State of Idaho Department of Water Resources. The United States was dismissed as a party to this subcase by an order entered February 7, 1995.

The *Standard Form 5* was not signed by one of the claimants, Jack L. McAfee. The court held a hearing on the *Standard Form 5* on April 26, 1995. During the hearing, Jean McAfee stated that her husband, Jack L. McAfee was deceased. Mrs. McAfee also represented that one-half of Mr. McAfee's estate passed to her, with the other one-half of the estate passing to Mr. McAfee's four children. Mrs. McAfee also stated that the real property to which this water right is appurtenant was divided in the estate between Mrs. McAfee and Mr. McAfee's four children. No evidence or arguments to the contrary were presented at the hearing. Thus it appears from the record that some of the successors in interest to Mr. McAfee's claim are not signatories to the *Standard Form 5*.

The *Standard Form 5* which was submitted in this case, therefore, appears to be incomplete for the following reasons:

1. A *Standard Form 3* indicating all the current claimants to this subcase should be filed with the court before this subcase can proceed.

2. An *Amended Standard Form 5* executed by the successors in interest to Jack L. McAfee should be filed with the court before the court proceeds with this subcase.
3. One of the water rights listed in the remarks section has not been referred to the Special Master because no objection was filed. The parties shall include in the *Amended Standard Form 5* an explanation as to how and whether a limitation to water right no. 34-02379A can be recommended by the Special Master.
4. The parties provided a mere conclusory statement for the remarks element instead of fully describing why these matters are necessary to define this water right, and fully describing why these matters do not fall within the nine elements listed and why those matters are not administrative. The statement required for remarks element should include a full explanation of the stipulated facts, documents, expert opinions and law which support including this as a separate element of this water right.

IT IS ORDERED that a *Standard Form 3* and an *Amended Standard Form 5* shall be filed by **June 16, 1995**.

DATED May 16, 1995.

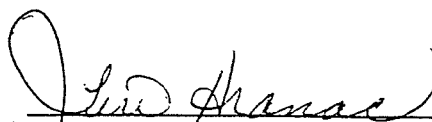

BRIGETTE BILYEU
Special Master, Reporting Area 1
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER REQUIRING AMENDED STANDARD FORM 5** was mailed on May 16, 1995, with sufficient first-class postage to the following:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

Jean L. McAfee
P.O. Box 619
Moore, ID 83724


Deputy Clerk