

RECEIVED

JAN 26 1995

Department of Water Resources
Adjudication Bureau

RECEIVED

JAN 25 1995

OFFICE OF THE
ATTORNEY GENERAL

1995 JAN 24 AM 9:49

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

Case No. 39576

) Subcase: 34-00394A

)
) ORDER REQUIRING STANDARD
) FORM 5 TO BE FULLY
) EXECUTED and ORDER
) VACATING SETTLEMENT
) CONFERENCE

On January 18, 1995, a *Standard Form 5, Proposed Elements of a Water Right* was submitted to the court for this water right. The signatories to the *Standard Form 5* are: the claimant, Dorothy Boyack, and the objector, the United States through the Bureau of Land Management. The respondent, State of Idaho Department of Water Resources has not signed the *Standard Form 5*.

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

- [X] Not all parties to the subcase are signatories to the *Standard Form 5*. The signature of the Idaho Department of Water Resources is missing.
- [] This form purports to resolve multiple water rights. Parties must use a separate form for each subcase.
- [] This subcase has been identified by the Idaho Department of Water Resources in *IDWR's Amended Report on Contested Water Rights Affected by Basin-Wide Issue No. 1* as including elements that are recommended based on I.C. §§ 42-1416 and/or 42-1416A. These subcases are stayed pending resolution of Basin-Wide Issue No.4.

- RECEIVED
JAN 21 1995
- [X] A copy of the recommendation contained in the director's report for this water right was not attached.
- [] The parties failed to provide the court with a required statement for element(s) _____.
- [] The parties provided a mere conclusory statement for element(s) _____ instead of a complete statement which fully describes all the stipulated facts, documents, expert opinions and law which support this element of the water right.
- [] The parties failed to provide the court with a required statement describing the stipulated facts, documents, expert opinions and law explaining why this claim is withdrawn.
- [X] The parties provided a mere conclusory statement for element 10 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. The statement required for element 10 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.
- [X] The legal description appears incomplete as to elements 5 and 8.
- [X] Other: The information contained in element 10 is unclear to the court. The parties should explain what this information means in order for the court to evaluate it.

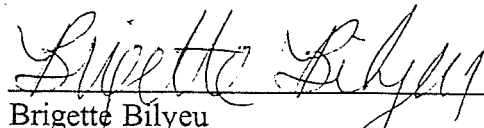
IT IS ORDERED that the incomplete *Standard Form 5* shall not be accepted for filing by the court and shall be forwarded to the Idaho Department of Water Resources.

IT IS FURTHER ORDERED that the parties to this subcase shall submit a fully executed *Standard Form 5* which complies with all of the requirements of Standard Form 5 no later than February 14, 1995.

IT IS FURTHER ORDERED that the Settlement Conference set for January 25, 1995, is **vacated**. If the parties are unable to submit a fully executed *Standard Form 5* by February 14, 1995, the parties shall submit a *Stipulation to Reset* in accordance with **SRBA Administrative Order 8** no later than February 21, 1995.

IT IS SO ORDERED.

DATED January ²⁴~~20~~ 1995.


Brigitte Bilyeu
Special Master, Reporting Area 1
Snake River Basin Adjudication

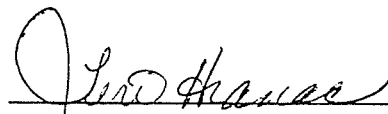
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER REQUIRING STANDARD FORM 5 FULLY EXECUTED was mailed on January 20, 1995 with sufficient first-class postage to the following:

Dorothy Boyack
3103 West 2500 North
Arco, ID 83213

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

The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, Box 033
Boise, ID 83724


Deputy Clerk

