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Adjudication Bureau

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ATTORNEY GENERAL

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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: 34-00788

)
) ORDER REQUIRING STANDARD
) FORM 5 TO BE FULLY
) EXECUTED

Two incomplete and inconsistent *Standard Forms 5, Proposed Elements of a Water Right* were submitted to the court for this water right. One *Standard Form 5* was signed only by the claimants/respondents. The signatories to the second *Standard Form 5* are: the representative of the claimants/respondents, Gay Wheeler and Alvin Wheeler, and the second objector, United States Department of Interior, Bureau of Land Management. The State of Idaho Department of Water Resources did not sign either *Standard Form 5*.

In addition, 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.

- ☒ [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a required statement describing the stipulated facts, documents, expert opinions and law explaining why this claim is withdrawn.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 element(s) 5 & 8.
- ☒ [X] Other:
1. The parties should address any changes which are necessary for element no. 1.
 2. Element No. 9 is incomplete.

IT IS ORDERED that the two *Standard Forms 5* previously submitted for this subcase shall not be accepted for filing by the court and shall be returned to the claimant.

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 1 p.m. on February 6, 1995, **is not** vacated and will proceed as scheduled unless a fully executed *Standard Form 5* is filed with the Court before the date set for the Settlement Conference.

IT IS SO ORDERED.

DATED January 23²⁴, 1995.



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

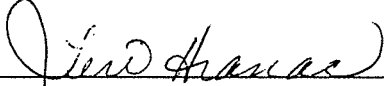
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER REQUIRING STANDARD FORM 5 FULLY EXECUTED was mailed on January 23, 1995 with sufficient first-class postage to the following:

G. Alvin Wheeler
Gay Wheeler
PO Box 915
Moore, ID 83255

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Office of the Attorney General
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Environment and Natural Resource Division
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Deputy Clerk