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Department of Water Resources
Adjudication Bureau

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DISTRICT COURT-SRBA
TWINFALLS CO. IDAHO
FILED *[Signature]*

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.: 34-07088

)
) ORDER VACATING SETTLEMENT
) CONFERENCE and ORDER
) REQUIRING AMENDED
) STANDARD FORM 5

On January 19, 1995, a *Standard Form 5, Proposed Elements of a Water Right* was filed with the court which may have been intended for this water right. The signatories to the *Standard Form 5* are: the claimant/objector, John L. Powers, and the respondents, State of Idaho Department of Water Resources.

If the *Standard Form 5* was intended for this water right, it appears that all parties to this subcase appear to have reached an agreement as to this water right, as set forth in *Standard Form 5*; IT IS HEREBY ORDERED that the Settlement Conference previously scheduled for 10 a.m. on January 20, 1995 is **vacated**.

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

- [] The parties failed to provide the court with a required statement for element ____.
- [] 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a required statement describing the stipulated facts, documents, expert opinions and law explaining why this claim is withdrawn.

☐ 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.

☐ The legal description appears incomplete as to elements _____.

☒ Other:

1. The parties must include the subcase for the *Standard Form 5* in order for the court to clearly understand which water right the parties intended to settle.
2. The court needs additional information on element no. 3 regarding what is meant by the conveyance loss information the parties request is included as part of the quantity of water.
3. The court needs additional information explaining how it can recommend or decree the information contained in element no. 10 as an element of this water right.
4. Item no. 11 is confusing. The court does not understand whether the parties have reached an agreement on this water right or if there is still a condition. The court needs to understand what the parties have agreed to with regard to this right.

The parties may wish to submit information on the other water right.

IT IS ORDERED that the parties to this subcase shall submit an *Amended Standard Form 5* which complies with all of the requirements of Standard Form 5 no later than February 24, 1995.

IT IS SO ORDERED.

DATED January 24, 1995.


BRIGETTE BILYEU

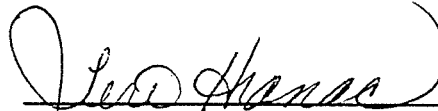
Special Master, Reporting Area 1
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER VACATING SETTLEMENT CONFERENCE and ORDER REQUIRING AMENDED STANDARD FORM 5** was mailed on January 24, 1995 with sufficient first-class postage to the following:

John L. Powers
P.O. Box 493
Mackay, ID 83521

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



Deputy Clerk

