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Department of Water Resources
Adjudication Bureau

1995 JAN 27 PM 4: 55

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 No.: 34-00312B

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

This subcase was previously stayed pending a decision regarding the form of proposed decrees.

On December 7, 1994, Presiding Judge Daniel C. Hurlbutt entered *SRBA Administrative Order 9* which adopted *Standard Form 5, Proposed Elements of a Water Right*. This standard form provides sufficient information for this subcase to proceed. The basis for the order staying this subcase, thus, no longer exists.

IT IS ORDERED that the stay is hereby lifted for this subcase.

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: the claimants, Timothy and Karen Olson, who substituted for the original claimant/respondent, the Estate of Chester Harper; the objector, the United States through the Bureau of Land Management; and the respondent, State of Idaho Department of Water Resources. Thus it appears that all parties to this subcase are signatories to the *Standard Form 5*.

Since 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 January 31, 1995, is vacated.

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

- ☒ [X] A copy of the recommendation contained in the director's report for this water right was not attached.
- ☒ [X] The parties failed to provide the court with a required statement for elements 1 and 9.
- ☐ [] 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a required statement describing the stipulated facts, documents, expert opinions and law explaining why this claim is withdrawn.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 court does not have sufficient information or a sufficient required statement to trace the charge of the claimant. The parties may wish to submit evidence showing how and to whom the Estate of Chester E. Harper passed.

Both the *Standard Form 5* and the *Standard Form 3* referred to by the parties have the wrong subcase number. Because the subcase number is wrong, the court has insufficient information to determine whether the parties have settled the entire subcase or just one objection to this subcase.

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IT IS FURTHER 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 March 14, 1995.

IT IS SO ORDERED.

DATED January 27, 1995.



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

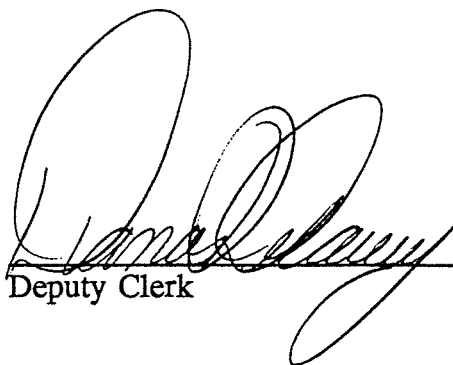
CERTIFICATE OF MAILING

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 27, 1995, with sufficient first-class postage to the following:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
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Boise, ID 83711-4449

U.S. Department of Justice
Environment & Natural Resources Div.
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Boise, ID 83706

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Deputy Clerk

