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Adjudication Bureau

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OFFICE OF THE  
ATTORNEY GENERAL

DISTRICT COURT-SRBA  
TWIN FALLS CO. IDAHO  
FILED QAH

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.: 34-10893

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

On January 24, 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: the claimant/respondent, Orval Beus; 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 24, 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.
- ☐ [ ] The parties failed to provide the court with a required statement for element \_\_\_\_\_.
- ☒ [X] The parties provided a mere conclusory statement for elements 5 and 8 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a required statement describing the stipulated facts, documents, expert opinions and law explaining why this claim is withdrawn.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.
- [X] The legal description appears incomplete as to elements 5 and 8.
- [X] Other: Element 9 lists the annual volume of consumptive use as de minimis but does not further describe the annual volume of consumptive use. The court does not have enough information to understand whether it is sufficient to designate quantity elements as merely "de minimis" or whether the court is required to list specified quantity for these elements. I.C. § 42-111; **Order Establishing Procedures for Adjudication of Domestic and Stock Water Uses** *In Re: SRBA, Twin Falls County Case 39576* (filed January 17, 1989).

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 27, 1995.

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

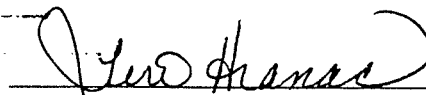
## CERTIFICATE OF MAILING

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:

Orval C. Beus  
2845 Wood Canyon Drive  
Soda Springs, ID 83275

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

U.S. Department of Justice  
Environment & Natural Resources Div.  
550 West Fort, Box 033  
Boise, ID 83706

  
\_\_\_\_\_  
Deputy Clerk

