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Department of Water Resources
Adjudication Bureau

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

OFFICE OF THE
ATTORNEY GENERAL

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.: 34-00363

)
) ORDER REQUIRING AMENDED
) STANDARD FORM 5
)

On February 1, 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, Herb Whitworth; the objector, United States of America 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*.

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 _____.
- [] 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a required statement describing the stipulated facts, documents, expert opinions and law explaining why this claim is withdrawn.

CEVIE [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.

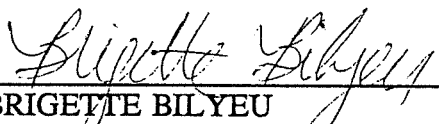
[X] The legal description appears incomplete as to element 8.

[X] Other: The court does not have enough information to fully understand the description for element 9. The parties did not indicate in element 9 which other rights are involved.

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 March 10, 1995.

IT IS SO ORDERED.

DATED February 3, 1995.



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

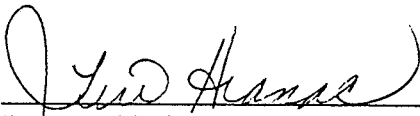
CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER VACATING SETTLEMENT CONFERENCE and ORDER REQUIRING AMENDED STANDARD FORM 5** was mailed on February 3, 1995, with sufficient first-class postage to the following:

Chief, Natural Resources Division
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

Herb Whitworth
Star Route
Mackay, ID 83251



Deputy Clerk

