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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	)	Subcase No. 34-02426A
	)	
Case No. 39576	)	IDWR REPORT RE: REVIEW
	)	OF STANDARD FORM 5
	)	
	)	

DESCRIPTIVE SUMMARY

IDWR submits this report to inform the Court and the party that IDWR has reviewed the Standard Form 5 (SF5) submitted by the party in this subcase and that the Director has chosen to sign the SF5 with the following explanation.

DISCUSSION

The water right in this subcase is not contested. It was referred to the Special Master because it is referenced in another subcase, number 34-00436. At the October 26, 1995, status conference for subcase no. 34--02426A, the Special Master requested that an SF5 be prepared to show where the remarks

should be located under each element. Although it was not a party to this subcase, the United States, the objector in subcase no. 34-00436, prepared the SF5 for 34-02426A for the claimant's signature.

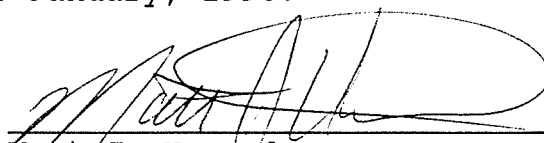
IDWR understands the court's desire to have remarks moved up under the appropriate elements of the water right. However, the three test basins have thousands of uncontested water rights in which the remarks are to be relocated. In addition, most of those water rights will be changed as a result of Basin Wide Issue No. 4 and the amendments to general provisions. Given the scope of revisions to be made and the available resources, an efficient procedure for revising the description of individual water rights is necessary.

IDWR does not plan to prepare and obtain signatures on SF5s for each uncontested water right in order to relocate remarks. This procedure would unnecessarily require a tremendous amount of time and resources. This is highlighted by the circumstances of this subcase, where the United States undertook to prepare the SF5 and to obtain signatures, but the SF5 contained errors which required IDWR to duplicate the United States' effort by correcting the SF5 and returning it to the claimant for his concurrence. Even without this error, further effort would still be required to correct the description of the water right in the future to include other revisions currently contemplated by IDWR and the court. For example, the description of the water right in this subcase currently includes a "conveyance loss remark"

under element 3 that will be deleted due to amendments to the Basin 34 general provisions.

In its September 19, 1995, report to the court, IDWR proposed a procedure for amending the director's reports in the three test basins, pursuant to which all changes to all water rights in the three test basins would be made at the same time. At the December 6, 1995, open meeting between IDWR, the Presiding Judge, and other interested parties, IDWR outlined a modification to the proposed procedure. Pursuant to this modification, IDWR will do the revisions to the individual water rights in two stages rather than one. In the first stage, IDWR will file amended recommendations in subcases that do not involve the presumption/amnesty statutes and do not overlap other water rights that involve the presumption/amnesty statutes after the general provisions are resolved, and all others at a later date. This will facilitate continued progress in the subcases while the work resulting from Basin Wide Issue no. 4 is underway.

DATED this 11th day of January, 1996.


Matt J. Howard
Deputy Attorney General
Idaho Department of Water Resources

CERTIFICATE OF MAILING

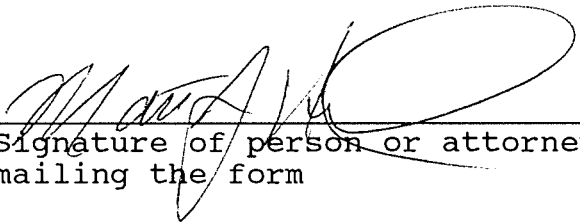
I certify that on January 11, 1996, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Lloyd A. Bingham
P.O. Box 21
Moore, ID 83255



Signature of person or attorney
mailing the form