

RECEIVED

JAN 29 1996

Department of Water Resources

1996 JAN 26 AM 11:58

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 Nos.: See Attached Exhibit A

ORDER APPOINTING EXPERT  
WITNESS PURSUANT TO I.R.E. 706  
and ORDER SETTING HEARING ON  
STANDARD FORMS 5

57-2362-etal

On January 22, 1996, the court received various *Standard Forms 5* in the subcases described in Exhibit A attached hereto. Having reviewed the *Standard Forms 5* the court has various concerns outlined as follows:

1. Whether the purpose of use can include a specific number of stock; and
2. Whether the annual volume of consumptive use can be described as "de minimis".

Pursuant to I.R.E. 706, the court appoints the Idaho Department of Water Resources (IDWR) as an expert **factual** witness to address whether it is possible to describe the annual volume of consumptive use for stockwater claims in any manner other than "de minimis". IDWR is directed to determine whether it is possible to describe an actual volume for annual consumptive use for stockwater claims.

In order to determine the applicability of these provisions, the court sets out the following schedule:

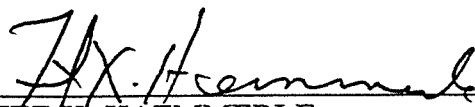
February 16, 1996 5:00 p.m.

Report from IDWR shall be filed with the court pursuant to I.R.E. 706. A copy of the report shall be sent to the United States at their Boise service address.

March 1, 1996      5:00 p.m.      Briefs due.  
March 11, 1996      2:00 p.m.      Hearing on proposed *Standard Forms 5*.

IT IS SO ORDERED.

DATED January 25, 1996.

  
\_\_\_\_\_  
FRITZ X. HAEMMERLE  
Special Master, Reporting Area 2  
Snake River Basin Adjudication

### CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER SETTING HEARING ON STANDARD FORMS 5** was mailed on January 25, 1996, 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

The United States Department of Justice  
Environment and Natural Resources Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

Director of IDWR  
P.O. Box 83720  
Boise, ID 83720-0098

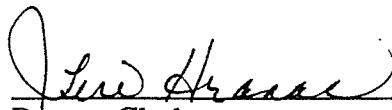
  
\_\_\_\_\_  
Deputy Clerk

Exhibit A

Subcase Nos:

|           |          |
|-----------|----------|
| 57-02362  | 57-11335 |
| 57-02365A | 57-11337 |
| 57-02379  | 57-11360 |
| 57-02380  | 57-11367 |
| 57-02382  | 57-11375 |
| 57-02407  | 57-11376 |
| 57-02419  | 57-11377 |
| 57-02423  | 57-11379 |
| 57-02429  | 57-11380 |
| 57-07056  | 57-11382 |
| 57-07298  | 57-11385 |
| 57-07335  | 57-11398 |
| 57-07417  | 57-11399 |
| 57-07431  | 57-11422 |
| 57-07442  | 57-11424 |
| 57-10960  | 57-11449 |
| 57-10960A | 57-11450 |
| 57-10977  | 57-11452 |
| 57-10977A | 57-11453 |
| 57-10980  | 57-11454 |
| 57-10980A | 57-11463 |
| 57-10981  | 57-11464 |
| 57-10981A | 57-11465 |
| 57-10984  | 57-11469 |
| 57-10984A | 57-11471 |
| 57-10985  | 57-11473 |
| 57-10985A | 57-11475 |
| 57-10994  | 57-11476 |
| 57-10994A | 57-11477 |
| 57-11013A | 57-11480 |
| 57-11048  | 57-11482 |
| 57-11049A | 57-11483 |
| 57-11078A | 57-11484 |
| 57-11085  | 57-11486 |
| 57-11085A | 57-11487 |
| 57-11108  | 57-11488 |
| 57-11150  | 57-11489 |
| 57-11154  | 57-11490 |
| 57-11155  | 57-11494 |
| 57-11171  |          |
| 57-11195  |          |
| 57-11201  |          |
| 57-11246  |          |
| 57-11284  |          |
| 57-11286  |          |
| 57-11287  |          |
| 57-11304  |          |
| 57-11317A |          |
| 57-11331  |          |
| 57-11333  |          |

(Order Setting SF5 Hearing)

