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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. 36-04219
	)	
	)	IDWR REPORT RE: REVIEW
Case No. 39576	)	OF STANDARD FORM 5
	)	
	)	

DESCRIPTIVE SUMMARY

IDWR submits this report to inform the Court and the parties that IDWR has reviewed the Standard Form 5 submitted by the parties in this subcase and that the Director has chosen not to sign the Standard Form 5.

DISCUSSION

The Director did not sign the Standard Form 5 for the reasons set forth below.

1. The description of the elements of the water right in the Standard Form 5 are not correct as stated below:

☐ 1. Name and Address

☒ 2. Source : The source of water for this claim is Pratt Lake, tributary to Sinks. This change to the director's report was originally requested by the United States. The Idaho Department of Water Resources concurred finding that the change was proper and necessary. Changing the name of the source from unnamed stream to Pratt Lake reflects the correct source for this claim.

☐ 3. Quantity

☐ 4. Priority Date

☐ 5. Point of Diversion

☒ 6. Purpose of Use : The original notice of claim was for stockwater storage and this is what IDWR recommended. The United States now wishes to add wildlife and wildlife storage as a purpose of use. IDWR does not object to the addition of a wildlife use at this late date given that this claim includes a diversion. However, if wildlife use is to be included, the "Purpose of Use" should be reported as follows:

Stockwater Storage	4.0 AFY
Stockwater from Storage	4.0 AFY
Wildlife Storage	4.0 AFY
Wildlife from Storage	<u>4.0 AFY</u>
(total volume)	4.0 AFY

The description of non-irrigation uses should be retained and state as follows: Stockwater, 1100 Range Cattle; Wildlife,

Variable Amount.

☐ 7. Period of Use

☐ 8. Place of Use

☒ 9. Consumptive Use : Consumptive use should be described as de minimus. Stockwatering and wildlife use do not result in total consumption of the 4.0 AFY water as indicated by the Standard Form 5. The Director's Report did not recommend 4.0 AFY as the consumptive use.

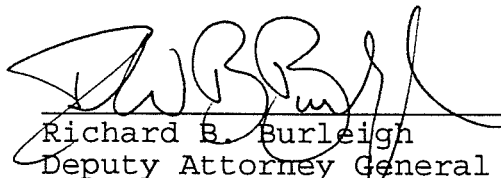
☐ 10. Other Matters Necessary to Define or Administer the Right

2. The Standard Form 5 was not signed by the Director for other reasons as stated below:

☐ Federal Reserved Water Right The Standard Form 5 resolves an objection to a water right based on federal law. Pursuant to Idaho Code § 42-1411A, IDWR neither investigates nor recommends claims to such water rights. Accordingly, the Director has no opinion as to the validity or invalidity of such claims and declines to sign the Standard Form 5.

☒ Other Although not a reason for declining to sign the Standard Form 5, IDWR wishes to point out that the Stipulation attached to the Standard Form 5 includes reference to Idaho Code § 42-115. See ¶ 7 to Stipulation. This code section does not exist and IDWR is uncertain which code section the signators intended to cite.

Dated this 25th day of January, 1996.



Richard B. Burleigh
Deputy Attorney General
Idaho Department of Water Resources

CERTIFICATE OF MAILING

I certify that on January 26, 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:

Harold Smith
Smith Ranches, Inc
P.O. Box 106
Darlington, ID 83231

M.B. Hiller
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Daria J. Zane
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Signature of Person or Attorney
mailing form