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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. 34-02562
	)	
	)	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:

- ☐ Name and Address
- ☐ Source
- ☐ Quantity
- ☐ Priority Date
- ☐ Point of Diversion
- ☒ Purpose of Use

The Standard Form 5 seeks to change the description of the purpose of use from "STOCKWATER" to "STOCKWATER" and "WILDLIFE."

This water right is based on a license issued pursuant to Idaho Code § 42-501. Section 501 mandates that water appropriated under its provisions "shall never be utilized . . . for any purpose other than the watering of livestock." Therefore, the purpose of use for this water right is limited to stockwater; it cannot include wildlife as an independent purpose of use.

IDWR, however, recognizes that: 1) wildlife preservation is an appropriate use of public lands, and 2) to the extent the United States has a right to water for stockwatering purposes, wildlife might also drink from the source. On this basis, IDWR included in its recommendation a further description of non-irrigation uses that states: "STOCKWATER 69 RANGE CATTLE; WILDLIFE, VARIABLE AMOUNT." This language recognizes wildlife use as incidental to stockwater use but does not recognize wildlife as a purpose of use of the water right independent from

stockwater use.

☐ Period of Use

☐ Place of Use

☐ Consumptive Use

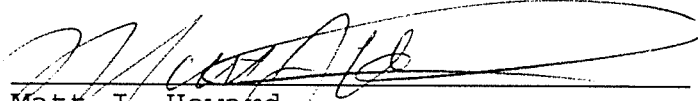
☐ Other Matters Necessary to Define or Administer the Right

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

☐ Federal Reserved Water Right

☐ Other

DATED this 23rd day of February, 1996.


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

CERTIFICATE OF MAILING

I certify that on February 23, 1996, I served a true and correct copy of this document, including all attachments, by placing a true and correct copy thereof by the method indicated below, 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

☐ U.S. Mail
☐ Overnight Mail
☒ Facsimile
☐ Hand Delivered

2. Copies to:

William M. Ferry
U.S. Department of Justice
Env't. & Nat. Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724-0663

☒ U.S. Mail
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Billy L. Haralson
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Shirley B. Kelly
Signature of person mailing form