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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

) Subcase No. 57-10856

Case No. 39576

)
) ORDER ACCEPTING STANDARD
) FORM 5
)
)

On March 7, 1996, the United States, acting through the USDA Farmers' Home Administration through Randall J. Bramer, Esq., filed a *Standard Form 5* with the court. The *Standard Form 5* agreed with the Director's Report as to all elements except for element 1 (ownership). The Director's Report listed the United States Department of Agriculture as the owner. The United States objected claiming the United States of America acting through the USDA Farmers' Home Administration should be the listed owner. The Idaho Department Water Resources (IDWR), when it was a party to the adjudication, filed a *Response* admitting the objection. While IDWR did not sign-off on the *Standard Form 5* as previously ordered by this court, the court can accept the *Standard Form 5* because IDWR has previously admitted that there is no objection to the suggested change by the United States.

Until the Presiding Judge issues an order as to the procedure of accepting *Standard Forms 5*, the parties are reminded of the prior order issued by this Special Master. Previously, this court required all parties to submit to IDWR proposed *Standard Forms 5*. IDWR shall then review the proposed *Standard Forms 5* so IDWR can determine whether or not to confirm the *Standard Forms 5*. If the *Standard Forms 5* are confirmed by IDWR, then no further hearings would be required to overcome the *prima facie* evidentiary effect of the Director's Report. If the *Standard Forms 5* are not confirmed, the parties are obligated to overcome the *prima facie* effect

of the Director's Report through some evidentiary mechanism. In lieu of a formal hearing, there are numerous avenues available under the Idaho Rules of Civil Procedure, including summary judgment pursuant to I.R.C.P. 56.

IT IS SO ORDERED.

DATED March 12, 1996.



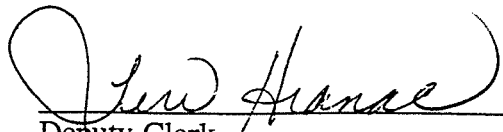
FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER ACCEPTING STANDARD FORM 5 was mailed on March 12, 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



Deputy Clerk