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STANDARD FORM 5 REVIEW REPORT

Subcase No. 34-13409

In Re SRBA
Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director

July 31, 1996

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**

[X] **Quantity**

The quantity of water for this right is correctly stated in the SF5 as ".01 cfs." However, IDWR did not sign the SF5 because the further description of the quantity element for this right should be consistent with the resolution of Basin Wide Issue 12, which is currently under consideration by the Court.

[X] **Priority Date**

The priority date stated in the SF5 is prior to the Utah Constr. Co. v. Abbott Decree. This issue will be determined as part of the summary judgment proceedings in subcase nos. 34-11576, et al. IDWR did not sign the SF5 because this element should be determined consistent with those proceedings.

[ ] **Point of Diversion**

[ ] **Purpose of 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**

Respectfully submitted this 31 day of July, 1996.

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

CERTIFICATE OF MAILING

I certify that on August 2nd, 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	✓ U.S. Mail ___ Overnight Mail ___ Facsimile ___ Hand Delivered

2. Copies to:

U.S. Department of Justice Envt. & Nat. Resources Div. 550 W. Fort St., MSC 033 Boise, ID 83724-0663	✓ U.S. Mail ___ Overnight Mail ___ Facsimile ___ Hand Delivered
Herb Whitworth Star Route Mackay, ID 83251	✓ U.S. Mail ___ Overnight Mail ___ Facsimile ___ Hand Delivered

Signature of person mailing form