

9/13
FBI

STANDARD FORM 5 REVIEW REPORT

Subcase No. 34-13338

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

September 13, 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:**

[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.

Respectfully submitted this 13 day of September, 1996.


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

CERTIFICATE OF MAILING

I certify that on Sept. 13, 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

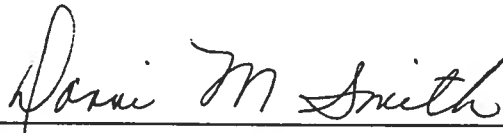
2. Copies to:

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

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

Patrick D. Brown
Hepworth, et al
P.O. Box 389
Twin Falls, ID 83303-0389

☐ Overnight Mail
☐ Regular Mail
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Signature of person mailing form

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)
)
)
)
_____)

SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR
Water Right 34-13338

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

SOURCE: SAGE CREEK TRIBUTARY: SINKS

QUANTITY: 0.01 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 03/16/1923

LOCATION OF INSTREAM FLOW:
T09N R20E S26 NWNENW (INSTREAM BEGINNING POINT) Within CUSTER County
R21E S03 NESESW (INSTREAM ENDING POINT)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.01 CFS

PLACE OF USE:	STOCKWATER	Within CUSTER County			
	T09N R20E S25	SWNE	SENE	NWNW	SWNW
		SENE			
	S26	NENE	NWNE	NENW	
	R21E S03	SESW			
	S10	NENW	SWNW	SENE	NWSW
		SWSW			
	S20 Lot 1 (SESE)				
	S21	NWNE	SWNE	SENE	NESW
		NWSW	Lot 4 (SWSW)		
	S29	NENE	NWNE	Lot 4 (NWNW)	Lot 2 (SWNW)
	Lot 3 (SENE)				
	S30	SENE	SWNW	SENE	NESW
		NESE	NWSE		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

DATED:

BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

SPECIAL MASTER'S RECOMMENDATION

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