

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED
2004 MAR 2 PM 3 34

In Re SRBA

Case No. 39576

) For Water Rights: 29-7578 &
) 29-7772
)
) ORDER TO SHOW CAUSE
) ON LATE OBJECTIONS

TO: Max W. Hall, 5675 E. Old Oregon Tr. Rd.
Lava Hot Springs, ID 83246

I.
BACKGROUND

On February 27, 2004, the Court received for filing, from Max W. Hall, a *Standard Form 1 Objection* referring to the above-captioned water rights. The rights are previously licensed hydropower rights owned by Marsh Valley Development Inc. Licenses were issued for the rights in 2001. Presumably, because of the date of the permit applications and proof of beneficial use, the Director of the Idaho Department of Water Resources did not require claims for the rights to be filed in the Snake River Basin Adjudication. See I.C. 42-1420(d). Accordingly, the above-captioned claims were not investigated and reported in the *Director's Report, Part 1, For Irrigation and Other Uses, Reporting Area 9, Basin, 29* filed July 11, 2003. As such, there is no recommendation for either right to which an objection can be filed. It is not ascertainable from the record whether or not Mr. Hall participated in the administrative permit and licensing proceedings for either of the respective rights.

In addition, the time for filing objections to the recommendations to rights reported in the *Basin 29 Director's Report* expired November 14, 2003. Therefore, leave of Court, through a *Motion to File a Late Objection*, would otherwise be required in order to file a late objection if the water rights were in fact reported in the *Basin 29 Director's Report*.

Lastly, the *Instructions for Filing Objections to Water Rights in the Snake River Basin Adjudication* that accompanies the *Standard Form 1 Objection* provides: "To

object to more than one water right, you must use a separate form for each objection and there must be only one objection for each form.” In this case Mr. Hall failed to comply with this requirement.

II. ORDER TO SHOW CAUSE

THEREFORE, IT IS ORDERED that Max W. Hall, appear before this Court, either in person or by telephone, on **March 16, 2004, at 1:30 pm., at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho**, to show cause why the objections contained in the *Standard Form 1 Objection* should not be dismissed for any of the above-stated reasons. **Telephone participation is available by calling 1-918-583-3445 and when prompted, entering participant code 406128.**

Appearance or telephone participation at this hearing is not mandatory and failure to appear or participate will not result in contempt of court. However, failure to appear or participate could result in automatic dismissal of pleading.

Parties to the adjudication are hereby informed pursuant to Rule 6(c)(4) of the Idaho Rules of Civil Procedure, of the right to produce testimony and evidence at the hearing upon the *Order to Show Cause*, or to cross-examine the adverse party or the adverse party’s affiants, by first giving at least twenty-four (24) hours notice to the Court and opposing counsel before the show cause hearing. **However, in the event evidence is intended to be presented, telephone participation is not available and appearance in person is required.**

A copy of this *Order to Show Cause* shall be served on Max W. Hall not less than five (5) days prior to the date set for hearing, upon which those parties are required to appear before this Court and show cause. Service of this *Order* shall be made in accordance with I.R.C.P. 5(b) and 6(c)(2).

IT IS SO ORDERED.

DATED March 2, 2004.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

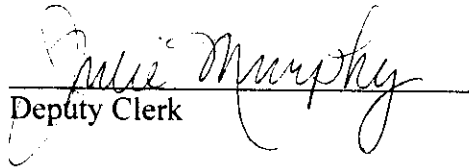
CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER TO SHOW CAUSE ON LATE OBJECTIONS** was mailed on March 2, 2004, with sufficient first-class postage to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Max W. Hall
5675 E Old Oregon Tr. Rd.
Lava Hot Springs, ID 83246

Marsh Valley Development
5203 South 11th East
Idaho Falls, ID 83404


Deputy Clerk