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Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2004 APR 26 PM 4 30

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	)	ORDER TO SHOW CAUSE AND
	)	SUMMONS TO APPEAR
Case No. 39576	)	
	)	
	)	SUBCASE NO.: 29-2175
	)	

An Initial Hearing for this water right was held in Pocatello, Idaho at the Bannock County Courthouse on April 22, 2004. Notice of the Initial Hearing was sent to claimant Doreen Curtis, however she failed to appear at the hearing. The Objectors and their attorney Scott Crook appeared at the hearing, as did multiple field agents and attorneys with the Idaho Department of Water Resources.

At the hearing, Mr. Crook asked for an Order to Show Cause why the *Objection* filed by his clients should not be granted in its entirety. The court may also consider whether claimant should be assessed attorneys costs and fees or other sanctions deemed appropriate under the circumstances.

Therefore, IT IS HEREBY ORDERED, pursuant to I.R.C.P. 6(c)(2) and I.R.C.P. 6(c)(4) that Doreen Curtis shall appear at a Show Cause Hearing to determine whether the *Objection* should be granted in its entirety.

DATE:	May 26, 2004	Wednesday
TIME:	1:30 p.m.	
LOCATION:	Snake River Basin Adjudication	
	253 3 rd Ave. North	
	Twin Falls, Idaho 83301	

Parties may participate by phone for this Order to Show Cause Hearing by dialing 1-225-383-1099 and when prompted enter participant code 926509. If you have any questions regarding participating by telephone, please contact the Special Master's assistant Janet Connell at (208) 736-3011.

IT IS FURTHER ORDERED THAT, any affidavits and/or notices to cross-examine pursuant to I.R.C.P. 6(c)(2) shall be due on or before May 24, 2004.

Doreen Curtis is hereby informed that pursuant to Rule 6(c)(4) of the Idaho Rules of Civil Procedure, any party has the right to elect 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.

A copy of this *Order to Show Cause and Summons to Appear* shall be served upon Doreen Curtis not less than five (5) days prior to the date set for hearing, where she is 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).

APPEARANCE AT THIS HEARING IS MANDATORY. FAILURE TO APPEAR AT THIS HEARING MAY RESULT IN THE DISMISSAL OF THIS WATER CLAIM, OR IN THE GRANTING OF THE OBJECTION, OR IN OTHER SANCTIONS AND/OR COSTS.

Dated: April 26, 2004


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TO SHOW CAUSE was mailed on April 26, 2004, with sufficient first-class postage prepaid to the following:

Doreen Curtis
PO Box 9
Island Park, Idaho 83429

Elmer Jay Hartvigsen
Reed & Doris Hartvigsen
Richard N Hartvigsen
Represented by:
D. Scott Crook
Smith Hartvigsen PLLC
215 S State Street, STE 650
Salt Lake City, UT 84111

Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098


Deputy Clerk