

2005 SEP 1 PM 3 03

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 RESETTING ORDER TO
	)	SHOW CAUSE HEARING
Case No. 39576	)	
	)	SUBCASE NOS: 29-121, 29-122, 29-123,
	)	29-125, 29-13499, AND 29-10320
_____	)	

I. BACKGROUND

The hearing on the *Order to Show Cause* was set for August 31, 2005. However, the telephone lines used for the court's hearings malfunctioned at the time of the hearing. THEREFORE, the hearing on the *Order to Show Cause* is reset as follows:

Date: September 14, 2005 **Time:** 10:00 a.m. **Show Cause Hearing**
Location: Snake River Basin Adjudication
253 3rd Ave. North
Twin Falls, Idaho 83301

Parties may participate by phone for this 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.

These subcases were originally set for trial on April 20, 2005. However, the parties represented to the court that the resolution of the Shoshone-Bannock Tribes' *Motion to Correct Clerical Error* in subcase 92-22 (previously the tribes filed the *Motion* in 29-00239) would resolve all issues. Therefore, the court continued the trial while the *Motion to Correct Clerical Error* was heard.

The court held a status conference in these subcases on April 6, 2005, May 25, 2005, June 29, 2005 and July 13, 2005. Claimant CV Cattle Co. and Objector Rondo Perkins failed to appear at these hearings. The Idaho Department of Water Resources reported to the court that a

Standard Form 5 Settlement Agreement was sent to Mr. Perkins and CV Cattle Co. However, the *Standard Form 5* has not been returned.

Therefore, IT IS HEREBY ORDERED, pursuant to I.R.C.P. 6(c)(2) and I.R.C.P. 6(c)(4) that CV Cattle Co. and Rondo Perkins shall appear at a **Show Cause Hearing** to determine whether the *Objection* filed by Kenneth Andrus should be granted in its entirety and whether the *Objection* filed by Rondo Perkins should be denied in its entirety. If the Andrus *Objection* is granted and the Perkins *Objection* is denied, the elements of these water rights would be as set forth in the attached proposed *Standard Forms 5*. (Attached hereto as Exhibit 1)

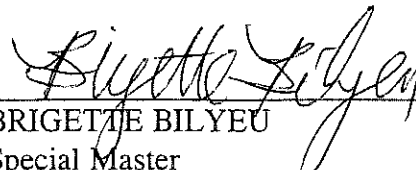
IT IS FURTHER ORDERED THAT, any affidavits and/or notices to cross-examine pursuant to I.R.C.P. 6(c)(2) shall be due on or before September 12, 2005.

Rondo Perkins and CV Cattle Co. are 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 Rondo Perkins and CV Cattle Co. not less than five (5) days prior to the date set for hearing, where they 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).

APPEARANCE AT THIS HEARING IS MANDATORY. FAILURE TO APPEAR AT THIS HEARING MAY RESULT IN THE GRANTING OF THE ANDRUS OBJECTION AND THE DENYING OF THE PERKINS OBJECTION WHICH WOULD RESULT IN THE ELEMENTS OF THIS WATER RIGHT BEING RECOMMENDED AS SET FORTH IN THE ATTACHED STANDARD FORM 5.

Dated: September 1, 2005.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER RESETTING ORDER TO SHOW CAUSE HEARING was mailed on September 01, 2005, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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RONDO PERKINS
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