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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) Subcase 85-04378
)
Case No. 39576) ORDER TO SHOW CAUSE
)
)
_____)

This matter came before this Special Master pursuant to a *Notice Setting Subcases for Initial Hearing* issued August 24, 2005. Charles W. Morton and Mildred J. Morton (hereinafter "Claimants") were notified of the hearing via first class mail sent to his/her last known address. The Claimants failed to appear at the initial hearing either in person or through counsel.

On May 27, 2005, the United States of America, Department of Interior, Bureau of Reclamation, filed an objection to the *Director's Report* for this water right claim, asserting that the irrigation period of use should be March 15 to November 15 (3-15 to 11-15), rather than February 15 to November 30 (2-15 to 11-30).

It is **hereby ordered** that the Claimant shall appear before this Special Master on December 13, 2005, at 11:00 A.M., at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho, or participate by telephone by dialing 1-225-383-1099 participation code 675342, to show cause why the objection filed by the United States should not be granted, and this water right claim decreed in the Snake River Basin Adjudication with an irrigation period of use of 3-15 to 11-15. The purpose of the show cause hearing is to provide the Claimants with a final opportunity to oppose the objection despite failing to appear at the initial hearing.

Participation in the show cause hearing is **not mandatory** and failure to appear will not be considered contempt of court. **However, failure to appear will result in the Claimants being deemed to have consented to the 3-15 to 11-15 irrigation period of**

use. If the Claimants participate in the hearing, the Claimants will be expected to notify this Special Master whether he/she intends to oppose the objection, and accordingly a trial date will be set. In such case, no additional evidence or argument need be presented as subcases(s) will be allowed to proceed to trial as a matter of course. Therefore the parties need not produce testimony or evidence in accordance with I.R.C.P. 6(c)(4).

A copy of this **Order to Show Cause** shall be served upon the Claimants not less than five (5) days prior to the date herein shown, upon which those parties are required to appear before this Special Master and show cause. Service of the **Order to Show Cause** shall be made in accordance with I.R.C.P. 5(b) and 6(c)(2).

IT IS SO ORDERED

Dated October 24, 2005



THEODORE R. BOOTH
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 October 25, 2005 with sufficient first-class postage to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Charles and Mildred Morton
408 Lapwai Road
Lewiston, ID 83501

U.S. Department of Justice
Environment & Natural Resources Div.
550 W Fort St., MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, Idaho 83711-4449

USDI Bureau of Reclamation
Regional Director PN Code 3100
1150 North Curtis, Ste 100
Boise, ID 83706-1234


Deputy Clerk