

2006 DEC 12 AM 10:12

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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.: 21-10021
_____	)	

An Initial Hearing for this subcase was held in Rexburg, Idaho at the Fremont County Courthouse on November 16, 2006. Notice of the Initial Hearing was sent to the claimants, Thomas B. Nave, Louise Young, Lee O. Waters and Jim Koetter, however they failed to appear at the hearing. ¹ Objector USDI Forest Service and the Idaho Department of Water Resources appeared at the hearing.

At the hearing, the USDI Forest Service asked for an order to show cause why the claim should not be dismissed for failure to prosecute or in the alternative why the *Objection* by the Forest Service should not be granted.

Therefore, IT IS HEREBY ORDERED, pursuant to I.R.C.P. 6(c)(2) and I.R.C.P. 6(c)(4), that the claimants shall appear at a Show Cause Hearing to determine whether the claim shall be dismissed.

DATE:	April 11, 2007	Wednesday
TIME:	2:00 pm	
LOCATION:	Snake River Basin Adjudication	
	253 3 rd 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.

¹ The court received correspondence from Mr. Koetter explaining that he sold the property relating to this water right in 1991.

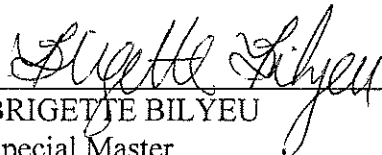
IT IS FURTHER ORDERED THAT, affidavits from the parties pursuant to I.R.C.P. 6(c)(2) shall be due on or before April 4, 2007.

Thomas B. Nave, Louise Young, Lee O. Waters and Jim Koetter 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 T Thomas B. Nave, Louise Young, Lee O. Waters and Jim Koetter 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).

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

Dated: December 11, 2006.



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 AND SUMMONS TO APPEAR was mailed on December 12, 2006, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

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