

2006 DEC 12 PM 2:35

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.: 27-12069

A Scheduling Conference for this subcase was held on November 29, 2006. Notice of the hearing was sent to the claimant, Charles Brent Weaver, however Mr. Weaver failed to appear at the hearing. Objector US Bureau of Indian Affairs, respondent State of Idaho, and the Idaho Department of Water Resources appeared at the hearing.

At the hearing, IDWR reported that it had sent a letter and a stipulation to Mr. Weaver, but had not had any other contact with Mr. Weaver. Mr. Weaver failed to attend the Initial Hearing on July 25, 2006, failed to attend a Status Conference on October 4, 2006, and failed to attend the Scheduling Conference on November 29, 2006. Therefore, the court issued an order to show cause why Mr. Weaver's *Objection* should not be dismissed for failure to prosecute.

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 in person at a Show Cause Hearing to determine whether the *Objection* should be dismissed for failure to prosecute.

DATE:	March 7, 2007	Wednesday
TIME:	10:30 am	
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.

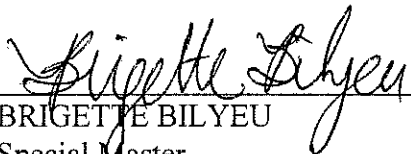
IT IS FURTHER ORDERED THAT, any affidavits from the USDI Forest Service pursuant to I.R.C.P. 6(c)(2) shall be due on or before February 28, 2007.

Charles Brent Weaver 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 Charles Brent Weaver 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 IN OTHER SANCTIONS AND/OR COSTS.

Dated: December 12, 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:

SHOSHONE-BANNOCK TRIBES

Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCATELLO, ID 83202
Phone: 208-232-1922

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

CHARLES BRENT WEAVER

802 W RIVERTON RD
BLACKFOOT, ID 83221
Phone: 208-785-1585