

RECEIVED

DEC 20 2006

DEPARTMENT OF  
WATER RESOURCES

2006 DEC 19 PM 12:02

DISTRICT COURT-SRBA  
TWIN FALLS CO. IDAHO  
FILED *[Signature]*

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 63-18441  
 )  
Case No. 39576 ) ORDER TO SHOW CAUSE  
 )  
 )  
 )

---

This matter came before this Special Master pursuant to a *Notice Setting Subcases for Initial Hearing* issued September 11, 2006. Dolores J. Thompson and Benjamin A. Thompson (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 December 5, 2006, initial hearing either in person or through counsel.

On April 21, 2006, the New York Irrigation District, by and through its attorney Charles F. McDevitt of McDevitt & Miller LLP, filed an objection to the *Director's Report* for this water right claim, asserting that the source of the water right claim is wastewater belonging to the New York Irrigation District, and that the water right should not exist. On June 23, 2006, the United States of America, Department of Interior, Bureau of Reclamation, filed a response to the objection, also asserting that the water right should not exist.

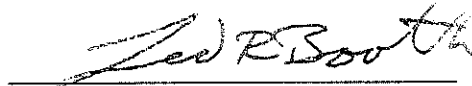
It is **hereby ordered** that the Claimant shall appear before this Special Master on January 9, 2007, at 2:30 P.M. Mountain Time, at the Snake River Basin Adjudication Courthouse, 253 3<sup>rd</sup> Avenue North, Twin Falls, Idaho, or participate by telephone by dialing 1-225-383-1099 participation code 675342, to show cause why the objection filed by the New York Irrigation District -- seeking disallowance of the claim -- should not be granted. 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 disallowance of the water right claim.** 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 December 19, 2006



THEODORE R. BOOTH  
Special Master  
Snake River Basin Adjudication

#### CERTIFICATE OF MAILING

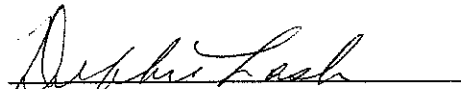
I certify that a true and correct copy of the ORDER TO SHOW CAUSE was mailed on December 19, 2006, with sufficient first-class postage to the following:

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

Benjamin and Delores Thompson  
1501 Martha St  
Boise, ID 83706

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

Charles F. McDevitt  
PO Box 2564  
Boise, ID 83701

  
Deputy Clerk