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DEPARTMENT OF
WATER RESOURCES

2006 DEC 20 AM 8:00

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 63-04626
)
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. Jean R. Burnett and Douglas W. Burnett (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 Nampa & Meridian Irrigation District, by and through its attorney Daniel Steenson of Ringert Clark Chartered, filed an objection to the *Director's Report* for this water right claim, asserting that the source of the water right claim is wastewater and or seepage from the Nampa & Meridian Irrigation District, and it is subject to the irrigation district's right to recapture said water, cease wasting it or to change the place and manner of use. On June 23, 2006, the United States of America, Department of Interior, Bureau of Reclamation, filed a response to the objection.

It is **hereby ordered** that the Claimant shall appear before this Special Master on **January 9, 2007, at 1:30 P.M.** Mountain Time, 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 Nampa & Meridian Irrigation District 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.

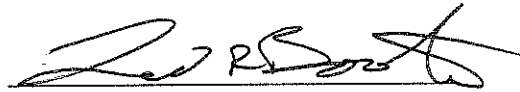
Participation in the show cause hearing is **not mandatory** and failure to appear will not be considered contempt of court. **However, failure to appear will result in the**

Claimants being deemed to have consented to the remedy sought by the objector. 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 20, 2006, with sufficient first-class postage to the following:

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

Jean and Douglas Burnett
1408 E 2300 N
Provo, UT 84604

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

Bryce Farris
Ringert Clark Chartered
PO Box 2773
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6223 N Discovery Way
Boise, ID 83713


Deputy Clerk