

RECEIVED

DEC 22 2006

DEPARTMENT OF
WATER RESOURCES

2006 DEC 20 AM 10: 54

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) Subcase 63-17417
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 6, 2006. Jock MacGregor II and Julie MacGregor (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 6, 2006, initial hearing either in person or through counsel.

On April 21, 2006, the Edwards Family LLC, by and through its attorney Dana Hofstetter of Hofstetter Law Offices LLC, filed an objection to the *Director's Report* for this water right claim, asserting:

To the extent that this water right authorizes the diversion of water from the Stewart Gulch Geothermal Aquifer it should not exist pursuant to *Silkey v. Tiegs*. Otherwise, the following provision should be listed under "Other Provisions Necessary for Definition or Administration of the Water Right:" The diversion and use of geothermal water is not authorized under this right. Also, the local name for the cold water well should be described.

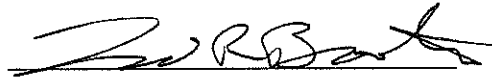
It is **hereby ordered** that the Claimants shall appear before this Special Master on **February 6, 2007, at 1:30 P.M.** Mountain Time, at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho, or participate by telephone by dialing 1-225-383-1099 participation code 675342, to show cause why the objection filed by the Edwards Family LLC 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 subcase(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 20, 2006



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

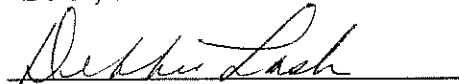
CERTIFICATE OF MAILING

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

Jock MacGregor II
Julie MacGregor
PO Box 6982
Boise, ID 83707

Dana Hofstetter
Hofstetter Law Offices, LLC
608 W Franklin Street
Boise, ID 83702


Deputy Clerk