

RECEIVED
JAN 31 2007
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 JAN 30 AM 10 27

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	)	Subcases: 63-8584
	)	
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 26, 2006. Gerald F. Thummel (hereinafter "Claimant") was notified of the hearing via first class mail sent to his last known address. The Claimant failed to appear at the January 23, 2007, initial hearing either in person or through counsel.

On April 21, 2006, Ada County Drainage District No. 2, through their attorney of record S. Bryce Farris, filed an objection to the *Director's Report* for this water right claim asserting that the water right claimed should not exist.

It is **hereby ordered** that the Claimant shall appear before this Special Master on **March 6, 2007, at 9 A.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 Ada County Drainage District No. 2 -- seeking disallowance of the claim -- should not be granted. The purpose of the show cause hearing is to provide the Claimant with a final opportunity to oppose the objection despite failing to appear at the initial hearing.

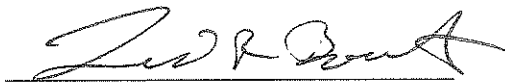
Participation in the show cause hearing is **not mandatory** and failure to appear will not be considered contempt of court. **However, failure to appear will result in the Claimant being deemed to have consented to the disallowance of the water right claim.** If the Claimant participates in the hearing, the Claimant will be expected to notify this Special Master

whether he 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 Claimant 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 January 29, 2007

A handwritten signature in cursive script, appearing to read 'Theodore R. Booth', written over a horizontal line.

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 January 30, 2007, with sufficient first-class postage to the following:

ADA COUNTY DRAINAGE DISTRICT

Represented by:

S. BRYCE FARRIS
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

GERALD F THUMMEL
MICHAEL JONES
5211 HILL RD
BOISE, ID 83703

*Michael Jones
5211 Hill Rd
Boise, Id 83703*

