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DEPARTMENT OF
WATER RESOURCES

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

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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 63-03566
)
Case No. 39576) ORDER TO SHOW CAUSE
)
_____)

This matter came before this Special Master pursuant to an *Order Setting Status Conference* issued December 6, 2006. Joan M. Sterling (hereinafter "Claimant") was notified of the status conference via first class mail sent to her last known address. The Claimant failed to appear at the February 13, 2007, status conference either in person or through counsel.

On April 21, 2006, the State of Idaho, Department of Lands, by and through deputy attorney general David Barber, filed an objection to the *Director's Report* for this water right claim, asserting that the place of use needs to be described so as to exclude state land.

It is **hereby ordered** that the Claimant shall appear before this Special Master on **April 10, 2007, at 4:00 P.M.** Mountain Time, at the Idaho Water Center, 322 E Front Street, Boise, Idaho, to show cause why the objection filed by the State of Idaho 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 Status Conference.

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 remedy sought by the objector.** If the Claimant participates in the hearing, the Claimant will be expected to notify this Special Master whether she intends to oppose the objection, and accordingly a trial date

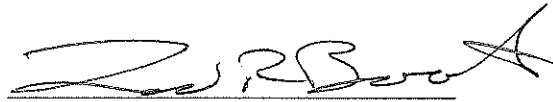
will be set. In such case, no additional evidence or argument need be presented as the subcase will be allowed to proceed to trial as a matter of course. Therefore the parties need not produce testimony or evidence in accordance with I.R.C.P. 6(c)(4).

At the February 13, 2007 status conference, Deputy Attorney General David Barber represented that a *Standard Form 5 – Stipulated Elements of a Water Right* has been signed by the objector and IDWR, and forwarded to the Claimant. In the event that the Claimant executes the *Standard Form 5*, and the same is filed prior to the hearing on this ***Order To Show Cause***, said hearing will be vacated.

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 February 13, 2006

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

THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

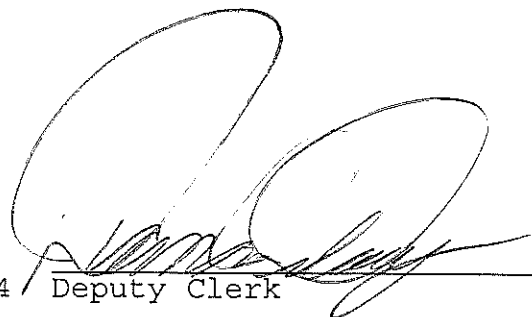
I certify that a true and correct copy of the ORDER TO SHOW CAUSE was mailed on February 13, 2007, with sufficient first-class postage to the following:

STATE OF IDAHO DEPT OF LANDS

Represented by:
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STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
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BOISE, ID 83711-4449

JOAN M STIRLING
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IDAHO CITY, ID 83631

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

A large, stylized handwritten signature in black ink, likely belonging to the Deputy Clerk, is written over a horizontal line.