

2007 APR 13 PM 12:41
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	)	ORDER ON SHOW CAUSE HEARING
	)	
Case No. 39576	)	WATER RIGHT NO.: 21-10021
_____	)	

I. PROCEDURAL BACKGROUND

An *Order to Show Cause Hearing* was held for this subcase on April 11, 2007. Claimants Thomas B. Nave, Louise Young, Lee O. Waters and Jim Koetter did not appear. (Mr. Koetter previously notified the court that he sold the property relating to this water right in 1991.) The purpose of the hearing was to determine whether the *Objection* filed by USDA Forest Service should be granted. The Forest Service *Objection* sought merely to describe the point of diversion correctly and to indicate that the point of diversion is not on federal land.

II. ORDER TO SHOW CAUSE

This subcase was set for Initial Hearing on November 16, 2006. The claimants failed to appear at the Initial Hearing, and the USDA Forest Service moved for an order to show cause why its *Objection* should not be granted. A hearing was set on April 11, 2007. Notice was sent to claimants Thomas B. Nave, Louise Young, Lee O. Waters and Jim Koetter. In addition, notice was sent to Clive and Arlene Henderson, Harry E. Henneman Jr., Richard and Cindy Olson, and Dee and Cherri Smith.¹

The Claimants did not attend the hearing on the *Order to Show Cause*. (Mr. Henneman did attend the hearing. He indicated that he had no objection to the *Order to Show Cause* and agreed to provide documents to IDWR to complete his portion of the change of ownership process.) Given the

¹ These individuals were identified by the United States Forest Service as possible new owners who may need notice of the hearing.

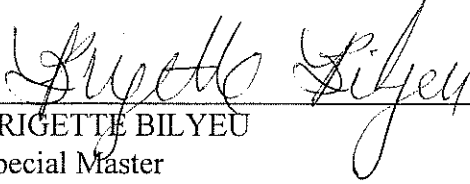
failure of the claimants to attend the Initial Hearing, and failure to attend the Show Cause Hearing on April 11, 2007, the *Objection* by the USDA Forest Service is **granted**. The legal description for the point of diversion shall be corrected and shall indicate that the point of diversion is not on federal land.

Please be advised that Special Master Brigitte Bilyeu has set the following dates in the above subcase as follows:

June 27, 2007	2:00 pm	Status Conference
		Location: Snake River Basin Adjudication
		253 3 rd Ave. North
		Twin Falls, Idaho 83301

Parties may participate by phone for the Status Conference by dialing 1-225-383-1099 and when prompted enter participant code 926509.

DATED: April B, 2007.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

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

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
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