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DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED *CF*

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 SETTING ORDER TO |
|                | ) | SHOW CAUSE HEARING     |
| Case No. 39576 | ) |                        |
|                | ) | SUBCASE NO: 27-07006   |
| _____          | ) |                        |

I. BACKGROUND

Hearings were held on September 13, 2006, December 13, 2006, January 31, 2007 and March 14, 2007. The Claimant, Steven Millington failed to appear. At the Scheduling Conference set on March 14, 2007, the Idaho Department of Water Resources reported to the court that a *Standard Form 5 Settlement Agreement* has been signed by all the parties except Mr. Millington. IDWR sent the *Standard Form 5* to Mr. Millington, and has attempted to contact him multiple times. IDWR has had no response from Mr. Millington. The remaining parties have signed the *Standard Form 5* and have reached a settlement agreement. THEREFORE, an *Order to Show Cause* hearing is set as follows:

**Date:** May 23, 2007    **Time:** 9:30 a.m.

**Show Cause Hearing**

**Location:** Snake River Basin Adjudication  
253 3<sup>rd</sup> Ave. North  
Twin Falls, Idaho 83301

**Parties may participate by phone for this Show Cause Hearing by dialing 1-225-383-1099 and when prompted enter participant code 926509. If you have any questions regarding participating by telephone, please contact the Special Master's assistant Janet Connell at (208) 736-3011.**

IT IS HEREBY ORDERED, pursuant to I.R.C.P. 6(c)(2) and I.R.C.P. 6(c)(4) that Steven Millington shall appear at a **Show Cause Hearing** to determine whether the Court should issue a *Special Master's Report and Recommendation* recommending the elements as set forth in the

*Standard Form 5 Settlement Agreement* signed by the other parties. The elements of this water right would then be as set forth in the attached proposed *Standard Forms 5*. (Attached hereto as Exhibit 1)

IT IS FURTHER ORDERED THAT, any affidavits and/or notices to cross-examine pursuant to I.R.C.P. 6(c)(2) shall be due on or before May 9, 2007.

Steven Millington is hereby informed that pursuant to Rule 6(c)(4) of the Idaho Rules of Civil Procedure, any party has the right to elect to produce testimony and evidence at the hearing upon the Order to Show Cause, or to cross-examine the adverse party or the adverse party's affiants, by first giving at least twenty four (24) hours notice to the Court and opposing counsel before the show cause hearing.

A copy of this *Order to Show Cause and Summons to Appear* shall be served upon Steven Millington not less than five (5) days prior to the date set for hearing, where they are required to appear before this Court and show cause. Service of this *Order* shall be made in accordance with I.R.C.P. 5(b) and 6(c)(2).

**APPEARANCE AT THIS HEARING IS MANDATORY. FAILURE TO APPEAR AT THIS HEARING MAY RESULT IN THIS WATER RIGHT BEING RECOMMENDED AS SET FORTH IN THE ATTACHED STANDARD FORM 5.**

Dated: March 19, 2007.

  
BRIGETTE BILYEU  
Special Master  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING  
ORDER TO SHOW CA USE HEARING was mailed on March 19, 2007,  
with sufficient first-class postage to the following:

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

STEVEN MILLINGTON  
3821 N 1500 E  
BUHL, ID 83316  
Phone: 208-543-4248

WINONA & WILLIAM WISSERT  
579 W 200 S  
BLACKFOOT, ID 83221  
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