

LOWELL DEGUISE
P.O. 392
ROCHESTER, WA 98579

TWIN FALLS CO. IDAHO

FILED

2008 JAN 18 PM 10 56

RECEIVED

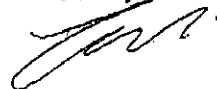
JAN 22 2008

DEPARTMENT OF
WATER RESOURCES
360-273-7671

Snake River Basin Adjudication
Special Master
THEODORE R. BOOTH

I am writing to help explain a packet of information I sent to you today. On 7/1/2007 Fred Hopp and I met and he gave me a letter from the state of Idaho Department of Water resources dated 6/18/2007. Basically the letter said that Fred had not transferred water rights on the property that he acquired from the Poyner purchase. On July 3rd I contacted Michele Edle who had signed the letter and followed up with their request for the transfer forms. In this application I included Fred's address along with my phone number if any more correspondence was needed. I also faxed the application as well as mailed in a hard copy. I called and received confirmation that all the documents were received. For the next four months nothing transpired. In November Fred handed me a envelope from Bureau of land management stated their had been a hearing concerning his water rights and he had failed to show up at the hearing. The hearing was on 11/8/2007 but the mail Fred received was postmarked 11/9/2007, a day after the hearing. I called the district court of Idaho and talked to an individual by the name of Julie Murphy and asked why Mr. Hopp would receive notice one day after the hearing and why was this water right transfer was even in question.. She found out that they did not know what address to send hearing notice to because their was no zip code on Fred's Portland address. The issue on the water right, they thought was the point of withdrawal was not on Fred's property. I pointed out to Mrs. Murphy that somehow we received the hearing results so they had to have his address. I put her in contact with Michele Edle and she confirmed our application was received in July and the address was on the application. They then informed me that on Jan 22 2008 at 9:00 a.m. pacific time that either Mr. Hopp or his attorney should contact special Master Booth and explain that we never received proper notification of this hearing and at this time no one could even tell us why this was water right was in question. We did receive one change of ownership on right # 79-10124 in December of 07 but nothing on the other two. These were all applied for at the same time. I am sorry if this sound so jumbled but these people do not know what is going on any more than I do. We appreciate your help on this matter. Please call At 360-273-7671.

Thank you



Lowell Deguise

Fax Cover Sheet

JMJ Services Inc., dba Deguise Accounting Services
PO Box 392
Rochester, WA 98579
Phone: 360-273-7671
Fax: 360-273-8198

Send to: Snake River Basin Adjudication	From: L Deguise
Attention: Special Master Booth	1/16/2008
Office Location:	Office Location:
Fax Number 208-736-2121	Phone Number:

- ☐ Urgent
- ☐ Reply ASAP
- ☐ Please comment
- ☐ Please Review
- ☐ For your Information

Total pages, including cover: _____

Comments:

Would you please confirm that you received this letter.

208-736-3011
Julie

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

2007 NOV 13 PM 3 01

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 79-07094B

Case No. 39576

) ORDER TO SHOW CAUSE

This matter came before this Special Master pursuant to an initial hearing held November 8, 2007. Elbert J. Poyner and Gertrude E. Poyner (hereinafter "Claimants") were notified of the hearing via first class mail sent to their last known address. The Claimants failed to appear at the November 8, 2007, status conference.

On June 13, 2007, the United States of America, Department of Interior, Bureau of Land Management, filed an objection to the *Director's Report* for this water right claim, asserting that the United States of America is the owner of the land upon which the claimed point of diversion is located, and that the claimant is not authorized to use the federal land for this purpose. The United States asserts that the point of diversion should be described as being in the NWSW of Township 27 North, Range 02 East, Section 33.

It is **hereby ordered** that the Claimant shall appear before this Special Master on **January 22, 2008, at 11:30 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 objections should not be granted. The purpose of the show cause hearing is to provide the Claimant with a final opportunity to oppose the objections despite failing to appear.

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 Claimants participate in the hearing, the Claimants will be expected to notify this

Special Master whether they intend 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 subcases 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 November 13, 2007



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 November 13, 2007, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

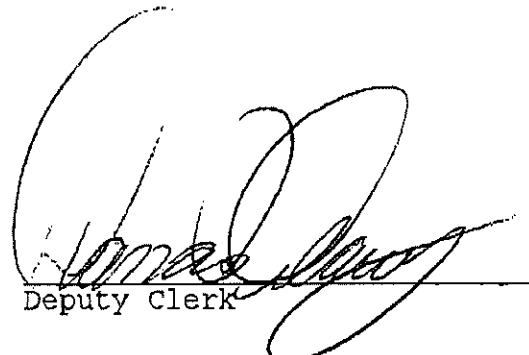
ELBERT J POYNOR
GERTRUDE E POYNOR
HC 01 BOX 57
WHITE BIRD, ID 83554
Phone: 208-839-2261

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

FRED HOPP
SLATE CREEK
WHITE BIRD, ID 83554

FRED J HOPP
10355 SE FOSTER RD
PORTLAND, OR 97266

FRED HOPP PROPERTIES INC
2910 BRANDYWINE DR
WEST LINN, OR 97068

A large, stylized handwritten signature in black ink, likely belonging to the Deputy Clerk, is written over a horizontal line. The signature is cursive and somewhat abstract, with a large loop at the top and a long, sweeping tail.