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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB - 8 2008	
By _____	Clerk
Deputy Clerk	

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 63-02350A
	)
Case No. 39576	) ORDER TO SHOW CAUSE
	)
_____	) ORDER VACATING TRIAL

On September 19, 2007, a *Trial Scheduling Order* was issued in the above-captioned subcase, which included a pre-trial conference to be held on February 5, 2008. The *Trial Scheduling Order* was sent to Barbara Doan and David Doan (hereinafter "Claimants") via first class mail sent to their last known address. The Claimants failed to appear at the February 5, 2008, pretrial conference either in person or through counsel.

Due to the uncertainty of whether the Claimants intend to actively participate in defending their water right claim against the objection filed thereto by the Boise-Kuna Irrigation District, the trial in this matter previously scheduled to begin on February 20, 2008 at 1:30 PM is **vacated**.

It is **hereby ordered** that the Claimants shall appear before this Special Master on **February 20, 2008, at 1:30 P.M.** Mountain Time, at the Idaho Supreme Court Building, 451 West State Street, Boise, Idaho, or participate by telephone by dialing 1-225-383-1099 participation code 675342, to show cause regarding their failure to participate at the pre-trial conference. In the absence of a showing of good cause, and pursuant to I.R.C.P. 41(c), it will be the recommendation of this Special Master that the Claimants' water right be decreed by the SRBA Court with the elements of the right as set forth in the *Director's Report*, together with the following remark: **"The source of this water right is waste water. The wasting of water may be discontinued at anytime."**

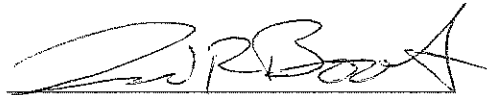
Participation in the show cause hearing is **not mandatory** and failure to appear will not be considered contempt of court. **However, failure to appear will result in the Claimants being deemed to have consented to the inclusion of the above-quoted remark.** If the Claimants participate in the hearing and make a showing of good cause for their failure to appear at the pre-trial conference, a trial date will be reset.

Pursuant to I.R.C.P. 6(c)(2), the parties to this subcase are hereby notified that they may elect to produce testimony and evidence at the hearing, or to cross-examine the adverse party and/or the adverse party's affiants, by giving notice to the court and the adverse party at least twenty-four (24) hours before the hearing, such notice shall designate the person(s) sought to be cross-examined. In the event that such notice is given by any party, telephonic participation at the hearing will not be available, and the parties must appear in person.

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 Feb. 8, 2008



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 08, 2008, with sufficient first-class postage to the following:

BOISE KUNA IRRIGATION DIST

Represented by:
SHELLEY M DAVIS
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

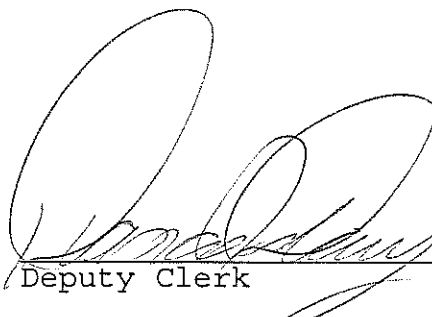
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

BARBARA A DOAN

DAVID LEE DOAN
6595 MC ELROY RD
MELBA, ID 83641

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