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DEPARTMENT OF
WATER RESOURCES

IDAHO SUPREME COURT
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 63-17246A
)
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 Brighton Corp (hereinafter "Claimant") via first class mail sent to its last known address. The Claimant failed to appear at the February 5, 2008, pretrial conference either in person or through counsel.

Due to the uncertainty of whether the Claimant intends to actively participate in defending its water right claim against the objection filed thereto by the New York Irrigation District, the trial in this matter previously scheduled to begin on February 21, 2008 at 1:30 PM is **vacated**.

It is **hereby ordered** that the Claimant 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 its 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 Claimant's 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."**

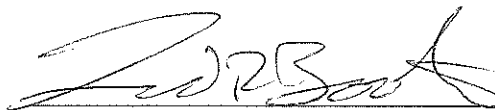
Participation in the show cause hearing is **not mandatory** and failure to appear will not be considered contempt of court. **However, failure to appear will result in the Claimant being deemed to have consented to the inclusion of the above-quoted remark.** If the Claimant participates in the hearing and make a showing of good cause for its 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 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 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:

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