

RECEIVED
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DEPARTMENT OF
WATER RESOURCES

2008 SEP -8 PM 3:06
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 TO SHOW CAUSE AND
	)	SUMMONS TO APPEAR
Case No. 39576	)	
	)	
_____	)	SUBCASE NOS.: 22-4185, 22-7019 and
	)	22-7171

A Status Conference was held for these subcases on September 3, 2008. The claimants, Dennie and Janet Arnold, failed to appear at the hearing. Objector United States Bureau of Reclamation and the Idaho Department of Water Resources appeared at the hearing. IDWR reported that a Standard Form 5 settlement document had been mailed to the Arnolds on July 8, 2008 but had not been filed.

The court notes that the claimants failed to attend the Initial Hearing on July 9, 2008 and the Status Conference on September 3, 2008. Therefore, the court issued an Order to Show Cause why the court should not recommend this right pursuant to the Standard Form 5 Settlement agreement attached as Exhibit A.

Therefore, IT IS HEREBY ORDERED, pursuant to I.R.C.P. 6(c)(2) and I.R.C.P. 6(c)(4) that the claimants shall appear at a Show Cause Hearing to determine whether these rights should be recommended pursuant to the Standard Form 5 which apparently sets forth the agreement of the parties.

DATE:	February 4, 2009	Wednesday
TIME:	3:00 pm	
LOCATION:	Snake River Basin Adjudication	
	253 3 rd 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 clerk's office at (208) 736-3011

Dennie and Janet Arnold are 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 Dennie and Janet Arnold not less than five (5) days prior to the date set for hearing, upon which those parties 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 THE RECOMMENDATION OF THESE RIGHTS AS SET FORTH IN THE PROPOSED STANDARD FORM 5 ATTACHED AS EXHIBIT A.

Dated: September 8, 2008.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TO SHOW CAUSE AND SUMMONS TO APPEAR was mailed on September 08, 2008, with sufficient first-class postage to the following:

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

DENNIE K ARNOLD
JANET ARNOLD
1045 N HWY 32
FELT, ID 83424
Phone: 208-456-2873

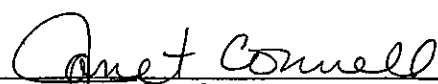

Deputy Clerk

Exhibit A

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 No. 22-4185
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

**SIGN
HERE**

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

**SIGN
HERE**

CLAIMANT(s):

Dennie K. Arnold

Date

Janet Arnold

Date

OBJECTOR(s):

David W. Gehlert, USDOJ Date
Attorney for BOR

IDWR Concurrence:

Joseph Larsen Date
Water Resource Agent

Andrea L. Courtney 7/7/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-4185

NAME AND ADDRESS: JANET ARNOLD
1045 N HWY 32
FELT ID 83424

DENNIE K ARNOLD
1045 N HWY 32
FELT ID 83424

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.110 CFS
1,326.50 AFY

The rights listed below are limited to a total combined annual diversion volume of 2550.5 af. Combined Right Nos.:22-4185, 22-7019, 22-7171

5.28 The rights listed below are limited to a total combined diversion rate of cfs. Combined Right Nos.:22-4185, 22-7019, 22-7171.

PRIORITY DATE: 06/15/1983

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF
DIVERSION:

T07N R44E S27 SESWNE Within TETON County
T07N R44E S27 NENENW Within TETON County
T07N R44E S27 SESWNW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	4.110 CFS 1,326.50 AFY

PLACE OF USE:

IRRIGATION in TETON County

T07N R44E S21	SENE	11.00	T07N R44E S21	SWSE	40.00
T07N R44E S21	SESE	39.00	T07N R44E S22	NENE	14.00
T07N R44E S22	NWNE	12.00	T07N R44E S22	SWNE	38.00
T07N R44E S22	SENE	21.00	T07N R44E S22	SWNW	23.00
T07N R44E S22	SENW	32.00	T07N R44E S22	NESW	32.00
T07N R44E S22	NWSW	35.00	T07N R44E S22	SWSW	40.00
T07N R44E S22	SESW	40.00	T07N R44E S22	NESE	24.00
T07N R44E S22	NWSE	40.00	T07N R44E S22	SWSE	40.00
T07N R44E S22	SESE	22.00	T07N R44E S27	NENE	36.00
T07N R44E S27	NWNE	40.00	T07N R44E S27	NENW	40.00

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

INITIAL
HERE

T07N R44E S27	NWNW	40.00	T07N R44E S28	NENE	40.00
T07N R44E S28	NWNE	39.00	T07N R44E S28	NENW	35.00
T07N R44E S28	NWNW	<u>12.00</u>			
		<u>14.00</u>			

785 787 ACRES TOTAL

ATC

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

INITIAL
HERE

Place of use does not include federal public lands.

785 487

The rights listed below are limited to the irrigation of a combined total of
acres in a single irrigation season. Combined Right Nos.: 22-4185, 22-7019,
22-7171

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

This right is based upon an enlargement of Right No. 22-7019 and 22-7171 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 379 acres within the place of use described for this right.

Exhibit A

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 No. 22-7019
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

**SIGN
HERE**

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

**SIGN
HERE**

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):

Dennie K. Arnold

Date

Janet Arnold

Date

OBJECTOR(s):

David W. Gehlert, USDOJ Date
Attorney for BOR

IDWR Concurrence:

Joseph Larsen Date
Water Resource Agent

Andrea L. Courtney 7/7/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7019

NAME AND ADDRESS: DENNIE K ARNOLD
1045 N HWY 32
FELT ID 83424

JANET ARNOLD
1045 N HWY 32
FELT ID 83424

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.400 CFS
1,140.00 AFY

The rights listed below are limited to a total combined annual diversion volume of 2550.5 af. Combined Right Nos.:22-4185, 22-7019, 22-7171

5.28

The rights listed below are limited to a total combined diversion rate of cfs. Combined Right Nos.:22-4185, 22-7019, 22-7171

The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

PRIORITY DATE: 02/25/1969

POINT OF
DIVERSION:

T07N R44E S27 SESWNE Within TETON County
T07N R44E S27 NENENW Within TETON County
T07N R44E S27 SESWNW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	4.400 CFS 1,140.00 AFY

PLACE OF USE:

IRRIGATION in TETON County

T07N R44E S21	SENE	11.00	T07N R44E S21	SWSE	40.00
T07N R44E S21	SESE	39.00	T07N R44E S22	NENE	14.00
T07N R44E S22	NWNE	12.00	T07N R44E S22	SWNE	38.00
T07N R44E S22	SENE	21.00	T07N R44E S22	SWNW	23.00
T07N R44E S22	SENE	32.00	T07N R44E S22	NESW	32.00
T07N R44E S22	NWSW	35.00	T07N R44E S22	SWSW	40.00
T07N R44E S22	SESW	40.00	T07N R44E S22	NESE	24.00
T07N R44E S22	NWSE	40.00	T07N R44E S22	SWSE	40.00
T07N R44E S22	SESE	22.00	T07N R44E S27	NENE	36.00
T07N R44E S27	NWNE	40.00	T07N R44E S27	NENW	40.00

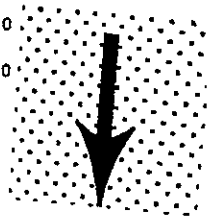
IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

INITIAL
HERE

T07N R44E S27	NWNW	40.00	T07N R44E S28	NENE	40.00
T07N R44E S28	NWNE	39.00	T07N R44E S28	NENW	35.00
T07N R44E S28	NWNW	<u>12.00</u> 14.00			

785 ~~787~~ ACRES TOTAL

ATL



IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

INITIAL
HERE

Place of use does not include federal public lands. *DFC*

This right is limited to the irrigation of 380 acres within the place of use described above in a single irrigation season.

785 782

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 22-4185, 22-7019, 22-7171

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right No. 22-4185 is an enlargement of 22-7019 and 22-7171 pursuant to Section 42-1426, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Exhibit A

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 No. 22-7171
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

**SIGN
HERE**

**SIGN
HERE**

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):

Dennie K. Arnold

Date

Janet Arnold

Date

OBJECTOR(s):

David W. Gehlert, USDOJ Date
Attorney for BOR

IDWR Concurrence:

Joseph Larsen Date
Water Resource Agent

Andrea Courtney 7/8/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7171

NAME AND ADDRESS: DENNIE K ARNOLD
1045 N HWY 32
FELT ID 83424

JANET ARNOLD
1045 N HWY 32
FELT ID 83424

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.880 CFS
1,428.00 AFY

5.28 The rights listed below are limited to a total combined diversion rate of
cfs. Combined Right Nos.:22-4185, 22-7019, 22-7171

The rights listed below are limited to a total combined annual diversion
volume of 2550.5 af. Combined Right Nos.:22-4185, 22-7019, 22-7171

The rate of diversion of water for irrigation under this right and all other
water rights on the same land shall not exceed 0.02 cubic feet per second
for each acre of land.

PRIORITY DATE: 01/20/1976

POINT OF
DIVERSION:

T07N R44E S27 SESWNE Within TETON County
T07N R44E S27 NENENW Within TETON County
T07N R44E S27 SESWNW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.880 CFS 1,428.00 AFY

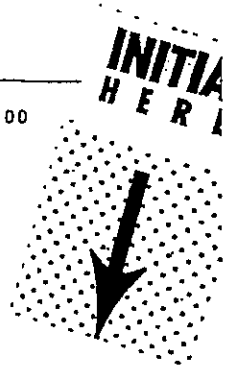
PLACE OF USE: IRRIGATION in TETON County

T07N R44E S21	SENE	11.00	T07N R44E S21	SWSE	40.00
T07N R44E S21	SESE	39.00	T07N R44E S22	NENE	14.00
T07N R44E S22	NWNE	12.00	T07N R44E S22	SWNE	38.00
T07N R44E S22	SENE	21.00	T07N R44E S22	SWNW	23.00
T07N R44E S22	SENW	32.00	T07N R44E S22	NESW	32.00
T07N R44E S22	NWSW	35.00	T07N R44E S22	SWSW	40.00
T07N R44E S22	SESW	40.00	T07N R44E S22	NESE	24.00
T07N R44E S22	NWSE	40.00	T07N R44E S22	SWSE	40.00
T07N R44E S22	SESE	22.00	T07N R44E S27	NENE	36.00
T07N R44E S27	NWNE	40.00	T07N R44E S27	NENW	40.00
T07N R44E S27	NWNW	40.00	T07N R44E S28	NENE	40.00

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

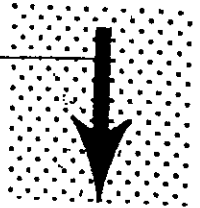
T07N R44E S28	NWNE	39.00	T07N R44E S28	NENW	35.00
T07N R44E S28	NWNW	<u>12.00</u> 14.00			
<u>785</u> 787 ACRES TOTAL					

AYC



IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

H E R E



Place of use does not include federal public lands. *ay*

785 787

The rights listed below are limited to the irrigation of a combined total of
acres in a single irrigation season. Combined Right Nos.: 22-4185, 22-7019,
22-7171

This right is limited to the irrigation of 380 acres within the place of use
described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

A measuring device of a type approved by the Department shall be
permanently installed and maintained as part of the diverting works.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right No. 22-4185 is an enlargement of 22-7019 and 22-7171 pursuant to
Section 42-1426, Idaho Code.

Right includes accomplished change in place of use pursuant to Section
42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section
42-1425, Idaho Code.