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MAR 18 2009

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 17 2009

Clerk
Deputy Clerk

In Re SRBA

Case No. 39576

ORDER ON SHOW CAUSE HEARING

WATER RIGHT NOS.: 37-1162 AND
37-14273

I. PROCEDURAL BACKGROUND

An Initial Hearing was held for these rights on September 18, 2008. Claimant Fish Creek Reservoir Co., Inc. did not appear. The court ordered a *Show Cause Hearing* for these subcases on March 11, 2009. The purpose of the hearing was to determine whether the *Objection* filed by the United States Bureau of Land Management should be granted in its entirety and the claimants *Objection* be denied. Claimant Fish Creek Reservoir Co., Inc. failed to attend the hearing and thus failed to show why the U.S. BLM *Objection* should not be granted.

However, IDWR reported that a Standard Form 5 settlement agreement had been given to the board of Fish Creek Reservoir Co., Inc. IDWR hopes the board will sign the settlement which addresses the U.S. BLM *Objection* to place of use, which adjusts the digital boundary and the volume.

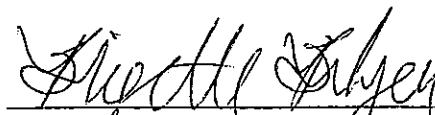
II. ORDER TO SHOW CAUSE

The court previously issued an *Order to Show Cause*. The *Order* gave notice that the claimant was required to appear at the *Show Cause Hearing* to show why the *Objection* filed by the United States BLM should not be granted and why the claimants *Objections* should not be denied.

The claimant Fish Creek Reservoir Co., Inc. did not attend the hearing on the *Order to Show Cause*. Therefore, the *Objection* filed by the United States Bureau of Land Management is **granted** and the *Objection* filed by Fish Creek Reservoir Co., Inc. is **denied**.

A *Master's Report and Recommendation* will issue with elements consistent with the draft *Standard Forms 5* described by IDWR.

DATED: March 17, 2009.


BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER ON
SHOW CAUSE HEARING was mailed on March 17, 2009, with sufficient
first-class postage to the following:

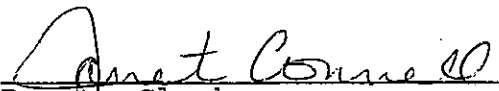
UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
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