

RECEIVED

OCT 06 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT - 5 2009
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

Case No. 39576

)
)
)
)
)
**ORDER TO SHOW CAUSE AND
SUMMONS TO APPEAR**

**SUBCASE NOS.: 22-13900, 22-13904 and
22-13908**

An Initial Hearing was held on August 19, 2008. The claimants, W. Reid and Marjean Brower Family Trust failed to appear at the hearing. The Idaho Department of Water Resources reported that a *Standard Form 5* settlement document had been mailed to the W. Reid and Marjean Brower Family Trust on February 17, 2009, listing the elements of the claims which IDWR believes are accurate. The form was not signed or returned.

The court notes that the claimants failed to attend the Initial Hearing on August 19, 2008 and the Status Conferences on October 8, 2008, April 15, 2009, and September 30, 2009. Therefore, the court issued this Order to Show Cause why the court should not recommend these rights pursuant to the proposed *Standard Forms 5* Settlement agreements 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 proposed *Standard Forms 5* which apparently sets forth the agreement of the parties.

DATE: November 20, 2009 Friday
TIME: 1:30 pm
LOCATION: Snake River Basin Adjudication
253 3rd Ave. North
Twin Falls, Idaho 83301

Parties may participate by telephone 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

The W. Reid and Marjean Brower Family Trust is 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 the W. Reid and Marjean Brower Family Trust 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 FORMS 5 ATTACHED AS EXHIBIT A.

The W. Reid and Marjean Brower Family Trust may wish to contact Michael Holliday, Senior Water Resource Agent, Eastern Regional Office in Idaho Falls at (208) 525-7161 prior to the Show Cause Hearing on November 20, 2009 to discuss resolution of these water rights.

Dated: October 5, 2009.



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 October 05, 2009,
with sufficient first-class postage to the following:

W REID AND MARJEAN BROWER
FAMILY TRUST
881 HWY 32
TETONIA, ID 83452

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

Exhibit A

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

RIGHT NUMBER: 22-13900

NAME AND ADDRESS:

W REID AND MARJEAN BROWER FAMILY
TRUST
881 HWY 32
TETONIA ID 83452

SOURCE:

Source:
BADGER CREEK

Tributary:

TETON RIVER

QUANTITY:

0.830 CFS

~~0.720 CFS~~

PRIORITY DATE:

06/01/1891

POINT OF DIVERSION:

T06N R45E S8 NWNSE
Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.830 CFS

~~0.720 CFS~~

PLACE OF USE:

IRRIGATION within TETON County

T06N R45E S17 NWNW 1.5

~~T06N R45E S17 NWNW 2.5~~

T06N R45E S17 SWNW 35.0

~~T06N R45E S17 SWNW 34.0~~

36.5 ACRES TOTAL

Right Nos. 22-13900 and 22-13904 are limited to the irrigation of a combined total of 36.5 acres in a single irrigation season.

~~The rights listed below are limited to the irrigation of a combined total of 36.5 acres in a single irrigation season. Combined Right Nos. 22-13900, 22-13904, and 22-13908.~~

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 - Decreed

Water is delivered through Stewart Ditch.

This right is a split from former right 22-174B.

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

RIGHT NUMBER: 22-13904

NAME AND ADDRESS:

W REID AND MARJEAN BROWER FAMILY
TRUST
881 HWY 32
TETONIA ID 83452

SOURCE:

Source:
BADGER CREEK

Tributary:
TETON RIVER

QUANTITY:

0.830 CFS

0.720 CFS

PRIORITY DATE:

01/18/1905

POINT OF DIVERSION:

T06N R45E S8 NWNESE
Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.830 CFS

0.720 CFS

PLACE OF USE:

IRRIGATION within TETON County

T06N R45E S17 NWNW 1.5

T06N R45E S17 NWNW 2.5

T06N R45E S17 SWNW 35.0

T06N R45E S17 SWNW 34.0

36.5 ACRES TOTAL

Right Nos. 22-13900 and 22-13904 are limited to the irrigation of a combined total of 36.5 acres in a single irrigation season.

~~The rights listed below are limited to the irrigation of a combined total of 36.5 acres in a single irrigation season. Combined Right Nos. 22-13900, 22-13904, and 22-13908.~~

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 - Decreed

Water is delivered through Stewart Ditch.

This right is a split from former right 22-254A.

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
22-13908	W REID AND MARJEAN BROWER FAMILY TRUST 881 HWY 32 TETONIA ID 83452	Disallowed	Recommended as Right Nos. 22-13382, 22-13871, and 22-13907.

OK
MWA