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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN - 7 2010	
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	)	ORDER SETTING
	)	SHOW CAUSE HEARING
Case No. 39576	)	
	)	SUBCASE NOS.: 27-11915 and 27-11916
_____	)	

I. BACKGROUND

After the *Director's Reports* were filed for Basin 27, the Idaho Department of Water Resources notified the court that it had conducted a review of its recommendations for Basin 27 and discovered that some corrections were needed. On November 18, 2008, IDWR sent a letter providing the Court with additional information about the necessary corrections. The letter was served on the parties to the subcases. Hearings were held on January 30, 2009, June 5, 2009, and July 31, 2009. The Claimants Craig Pearson and Bradley Torgesen failed to appear. At the hearing on July 31, 2009, the Idaho Department of Water Resources reported to the court that it has had no contact with the claimants in order to complete the necessary corrections. IDWR sent a proposed settlement agreement to the claimant, but has not had any contact with the claimants. THEREFORE, an *Order to Show Cause* hearing is set as follows:

Date: January 27, 2010

Time: 2:00 pm

Show Cause Hearing

Location: Snake River Basin Adjudication
253 3rd Ave. North
Twin Falls, Idaho 83301

Parties may participate by telephone for the Show Cause Hearing by dialing 1-225-383-1099 and when prompted enter participant code 926509. Any questions regarding telephone participation, please contact the clerk's office at (208) 736-3011.

IT IS HEREBY ORDERED, pursuant to I.R.C.P. 6(c)(2) and I.R.C.P. 6(c)(4) that Craig Pearson and Bradley Torgesen shall appear at a **Show Cause Hearing** to determine whether the

Court should issue a *Special Master's Report and Recommendation* recommending the elements as set forth in the proposed *Standard Form 5*. The elements of this water right would then be as set forth in the attached proposed *Standard Form 5*. (Attached hereto as Exhibit 1)

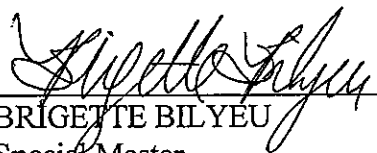
IT IS FURTHER ORDERED THAT, any affidavits and/or notices to cross-examine pursuant to I.R.C.P. 6(c)(2) shall be due on or before January 20, 2010.

Craig Pearson and Bradley Torgesen 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 the Claimants not less than five (5) days prior to the date set for hearing, where they 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 THIS WATER RIGHT BEING RECOMMENDED AS SET FORTH IN THE ATTACHED STANDARD FORM 5.

DATED: January 7, 2010.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

EXHIBIT 1
IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-11915

NAME AND ADDRESS: BRADLEY TORGESEN
2703 FALLING BROOK WAY
BOISE ID 83706

CRAIG PEARSON
720 E 400 N
SODA SPRINGS ID 83276

SOURCE: UNNAMED STREAM

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.020 CFS
0.40 AFY

The quantity of water under this right shall not exceed 13,000 gallons per day.

Right Nos. 27-11915 and 27-11916 are limited to a total combined annual diversion volume of 0.4 AF.

PRIORITY DATE: 02/24/1924

POINT OF
DIVERSION:

T07S R44E S7 SENENE End of Stream Flow Within CARIBOU County
T07S R44E S7 SWNWNE Begin of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05/25 11/01	0.020 CFS 0.40 AFY

PLACE OF USE: STOCKWATER in CARIBOU County

T07S R44E S07	NENE	T07S R44E S07	NWNE
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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 - Beneficial Use

Stockwater use is for 40 cow/calf pairs and 3 horses.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING
SHOW CAUSE HEARING was mailed on January 07, 2010, with sufficient
first-class postage to the following:

SHOSHONE-BANNOCK TRIBES

Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCATELLO, ID 83202
Phone: 208-232-1922

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

BRADLEY TORGESEN

2703 FALLING BROOK WAY
BOISE, ID 83706

CRAIG PEARSON

720 E 400 N
SODA SPRINGS, ID 83276