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DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| JAN - 7 2010                                                                            |
| By _____<br>Clerk<br>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 NO.: 27-11945 |
| _____          | ) |                       |

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 Leo Wallace, Richard Wallace, Sherrilynn Bair, and Starla Thompson 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 3<sup>rd</sup> 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 Leo Wallace, Richard Wallace, Sherrilynn Bair, and Starla Thompson 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.

Leo Wallace, Richard Wallace, Sherrilynn Bair, and Starla Thompson 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.

  
BRIGITTE BILYEU  
Special Master  
Snake River Basin Adjudication

# EXHIBIT 1

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

RIGHT NUMBER: 27-11945

NAME AND ADDRESS: LEO WALLACE  
1921 W TABER RD  
BLACKFOOT ID 83221

SHERILYNN BAIR  
1921 W TABER RD  
BLACKFOOT ID 83221

RICHARD M WALLACE  
1921 W TABER RD  
BLACKFOOT ID 83221

STARLA THOMPSON  
1921 W TABER RD  
BLACKFOOT ID 83221

SOURCE: UNNAMED STREAM

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.030 CFS  
2.71 AFY

PRIORITY DATE: 06/01/1914

POINT OF  
DIVERSION:

T04S R39E S36 NENENE Within BINGHAM County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>       |
|-----------------------|----------------------|-----------------------|
| STOCKWATER            | 04/01 11/01          | 0.030 CFS<br>2.71 AFY |

PLACE OF USE: STOCKWATER in BINGHAM County

T04S R39E S36 NENE

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

This right is a split from former right 27-4030.

Stockwater use is for 10 horses and 200 cow-calf pairs.

Source is known locally as Claudi's Creek.

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

LEO WALLACE

RICHARD M WALLACE  
SHERRILYNN BAIR  
STARLA THOMPSON  
1921 W TABER RD  
BLACKFOOT, ID 83221