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JAN 26 2010

DEPARTMENT OF
WATER RESOURCES

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

JAN 25 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

Case No. 39576

) ORDER SETTING
) SHOW CAUSE HEARING

) SUBCASE NOS.: 27-12019, 27-12020,
) 27-12021, 27-12022, 27-12023, 27-12025,
) and 27-12026

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. The IDWR letter stated that these subcases contained errors in the *Director's Report* which were carried over to the *Partial Decrees*. A hearing was held on January 30, 2009. At the hearing, IDWR explained that these *Partial Decrees* include the following language:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

IDWR recommended that the language be deleted because IDWR does have information about historic beneficial use for these water rights. IDWR further recommended that the Court set a deadline for any parties to object to the deletion of that language from the *Partial Decrees*. A deadline was set for March 27, 2009.

IDWR sent another letter on April 9, 2009 explaining that additional corrections were required for these water rights. IDWR informed the court that it would prepare a *Standard Form 5* to resolve the *Objections* for each of these rights.

A hearing was held on June 5, 2009. The claimants failed to attend. Hearings were also held on July 10, 2009 and January 6, 2010. The claimants failed to attend. At the hearing on January 6, 2010 the Idaho Department of Water Resources reported to the court that it 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: June 16, 2010 Time: 10:30 am

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 Jougland Sheep Co. Inc. 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 June 4, 2010.

Jougland Sheep Co. Inc. 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 Claimant 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 25, 2010.


BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING
SHOW CAUSE HEARING was mailed on January 25, 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

JOUGLARD SHEEP CO INC

PO BOX 245
RUPERT, ID 83350
Phone: 208-436-4221

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

Exhibit 1

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

RIGHT NUMBER: 27-12019

NAME AND ADDRESS:

JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT ID 83350

SOURCE:

Source:

UNNAMED STREAM

SPRING

Tributary:

TRAIL CREEK

QUANTITY:

0.020 CFS

1.000 AFY

The rights listed below are limited to a total combined annual diversion volume of 9.7 af for stockwater. Combined Right Nos.: 27-2080A, 27-2080B, 27-12018, 27-12019, 27-12020, 27-12021, 27-12022, 27-12023, 27-12024, 27-12025, 27-12026, and 27-12144.

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

PRIORITY DATE:

04/01/1946

POINT OF DIVERSION:

T08S R43E S19 NENESW Begin of Stream Flow
Within CARIBOU County

T08S R43E S20 NENWNE End of Stream Flow
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

STOCKWATER

05/15 10/31

~~04/15 10/31~~

0.020 CFS

1.00 AFY

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

PLACE OF USE: STOCKWATER within CARIBOU County
T08S R43E S19 NENE
T08S R43E S19 NWNE
T08S R43E S19 SWNE
T08S R43E S19 SENW
T08S R43E S19 NESW
T08S R43E S20 NWNE
T08S R43E S20 NENW
T08S R43E S20 NWNW

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.

~~The quantity of water decreed for this water right is not a determination of historical beneficial use.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 1000 sheep.

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

RIGHT NUMBER: 27-12020

NAME AND ADDRESS:

JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT ID 83350

SOURCE:

Source:

Tributary:

UNNAMED STREAMS

TRAIL CREEK

~~UNNAMED STREAM~~

QUANTITY:

0.020 CFS

2.100 AFY

The rights listed below are limited to a total combined annual diversion volume of 9.7 af for stockwater. Combined Right Nos.: 27-2080A, 27-2080B, 27-12018, 27-12019, 27-12020, 27-12021, 27-12022, 27-12023, 27-12024, 27-12025, 27-12026, and 27-12144.

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

PRIORITY DATE:

04/01/1946

POINT OF DIVERSION:

T08S R43E S15 SENWSW Begin of Stream Flow
Within CARIBOU County

T08S R43E S15 SWSWSW End of Stream Flow
Within CARIBOU County

T08S R43E S21 NENENE End of Stream Flow
Within CARIBOU County

T08S R43E S21 SENENE Begin of Stream Flow
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

05/15 10/31

0.020 CFS 2.10 AFY

~~04/15 10/31~~

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

PLACE OF USE: STOCKWATER within CARIBOU County
T08S R43E S15 NWSW
T08S R43E S15 SWSW
T08S R43E S21 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.

~~The quantity of water decreed for this water right is not a determination of historical beneficial use.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 2000 sheep.

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

RIGHT NUMBER: 27-12021

NAME AND ADDRESS:

JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT ID 83350

SOURCE:

Source:

Tributary:

UNNAMED STREAM

JOHNSON CREEK

SPRING

QUANTITY:

0.020 CFS

2.100 AFY

The rights listed below are limited to a total combined annual diversion volume of 9.7 af for stockwater. Combined Right Nos.: 27-2080A, 27-2080B, 27-12018, 27-12019, 27-12020, 27-12021, 27-12022, 27-12023, 27-12024, 27-12025, 27-12026, and 27-12144.

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

PRIORITY DATE:

04/01/1946

POINT OF DIVERSION:

T08S R43E S34 NWSWSE Begin of Stream Flow
Within CARIBOU County

T08S R43E S34 NESESE End of Stream Flow
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

05/15 10/31

0.020 CFS

2.10 AFY

~~04/01 10/31~~

PLACE OF USE:

STOCKWATER within CARIBOU County

T08S R43E S34 SWSE

T08S R43E S34 SESE

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.

~~The quantity of water decreed for this water right is not a determination of historical beneficial use.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 2000 sheep.

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

RIGHT NUMBER: 27-12022

NAME AND ADDRESS:

JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT ID 83350

SOURCE:

Source:
UNNAMED STREAM

Tributary:
BLACKFOOT RIVER

QUANTITY:

0.020 CFS

1.300 AFY

The rights listed below are limited to a total combined annual diversion volume of 9.7 af for stockwater. Combined Right Nos.: 27-2080A, 27-2080B, 27-12018, 27-12019, 27-12020, 27-12021, 27-12022, 27-12023, 27-12024, 27-12025, 27-12026, and 27-12144.

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

PRIORITY DATE: 04/01/1946

POINT OF DIVERSION:

T08S R43E S3 NWSWN End of Stream Flow
Within CARIBOU County

T08S R43E S3 SESWSW Begin of Stream Flow
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
STOCKWATER	05/15 10/31	0.020 CFS <u>1.30 AFY</u>
	~~04/15 10/31~~	

PLACE OF USE:

STOCKWATER within CARIBOU County
T08S R43E S03 SWNW
T08S R43E S03 NWSW
T08S R43E S03 SWSW

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.

~~The quantity of water decreed for this water right is not a determination of historical beneficial use.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 50 range cattle and 1000 sheep.

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

RIGHT NUMBER: 27-12023

NAME AND ADDRESS:

JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT ID 83350

SOURCE:

Source:

UNNAMED STREAM
~~JUNCTION SPRING~~

Tributary:

JOHNSON CREEK

QUANTITY:

0.020 CFS

1.000 AFY

The rights listed below are limited to a total combined annual diversion volume of 9.7 af for stockwater. Combined Right Nos.: 27-2080A, 27-2080B, 27-12018, 27-12019, 27-12020, 27-12021, 27-12022, 27-12023, 27-12024, 27-12025, 27-12026, and 27-12144.

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

PRIORITY DATE:

04/01/1946

POINT OF DIVERSION:

T08S R43E S27 NWSWE Begin of Stream Flow
Within CARIBOU County

T08S R43E S27 NESESE End of Stream Flow
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

05/15 10/31

0.020 CFS

1.00 AFY

~~04/15 10/31~~

PLACE OF USE:

STOCKWATER within CARIBOU County

T08S R43E S27 NESE

T08S R43E S27 NWSE

T08S R43E S27 SWSE

T08S R43E S27 SESE

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.

~~The quantity of water decreed for this water right is not a determination of historical beneficial use.~~

EXPLANATORY MATERIAL:

BASIS OF CLAIM - Beneficial Use

Stockwater use is for 1000 sheep.

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

RIGHT NUMBER: 27-12025

NAME AND ADDRESS:

JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT ID 83350

SOURCE:

Source:

Tributary:

UNNAMED STREAMS

SINKS

SPRINGS

QUANTITY:

0.020 CFS

1.000 AFY

The rights listed below are limited to a total combined annual diversion volume of 9.7 af for stockwater. Combined Right Nos.: 27-2080A, 27-2080B, 27-12018, 27-12019, 27-12020, 27-12021, 27-12022, 27-12023, 27-12024, 27-12025, 27-12026, and 27-12144.

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

PRIORITY DATE:

04/01/1946

POINT OF DIVERSION:

T08S R43E S14 NESWNW End of Stream Flow
Within CARIBOU County

T08S R43E S14 SWSWNW Begin of Stream Flow
Within CARIBOU County

T08S R43E S23 NENENW End of Stream Flow
Within CARIBOU County

T08S R43E S23 SWNNWNW Begin of Stream Flow
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

STOCKWATER

05/15 10/31

0.020 CFS

1.00 AFY

~~04/01 10/31~~

PLACE OF USE:

STOCKWATER within CARIBOU County

T08S R43E S14 SWNW

T08S R43E S23 NENW

T08S R43E S23 NWNW

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

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.

~~The quantity of water decreed for this water right is not a determination of historical beneficial use.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 1000 sheep.

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

RIGHT NUMBER: 27-12026

NAME AND ADDRESS:

JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT ID 83350

SOURCE:

Source:
TRAIL CREEK

Tributary:
BLACKFOOT RIVER

QUANTITY:

0.020 CFS
0.940 AFY

The rights listed below are limited to a total combined annual diversion volume of 9.7 af for stockwater. Combined Right Nos.: 27-2080A, 27-2080B, 27-12018, 27-12019, 27-12020, 27-12021, 27-12022, 27-12023, 27-12024, 27-12025, 27-12026, and 27-12144.

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

PRIORITY DATE: 04/01/1946

POINT OF DIVERSION:

~~T08S R42E S1 NWNWSE Begin of Stream Flow
Within CARIBOU County~~

~~T08S R43E S6 NENESW End of Stream Flow
Within CARIBOU County~~

T08S R43E S9 NENWNW End of Stream Flow
Within CARIBOU County

T08S R43E S9 SESWNW Begin of Stream Flow
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
STOCKWATER	05/15 10/15	0.020 CFS <u>0.94 AFY</u>

PLACE OF USE: STOCKWATER within CARIBOU County

~~T08S R42E S01 NESE
T08S R42E S01 NWSE
T08S R42E S01 SESE
T08S R43E S06 NESW
T08S R43E S06 NWSW
T08S R43E S06 SWSW~~

T08S R43E S09 NWNW
T08S R43E S09 SWNW

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

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.

~~The quantity of water decreed for this water right is not a determination of historical beneficial use.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 1000 sheep.