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FEB 02 2010

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
FEB - 1 2010
Clerk Deputy Clerk

In Re SRBA

Case No. 39576

) ORDER SETTING
) SHOW CAUSE HEARING

) SUBCASE NOS.: 27-11954, 27-11955,
) and 27-11956
)

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 Paul Thomas Blotter 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)

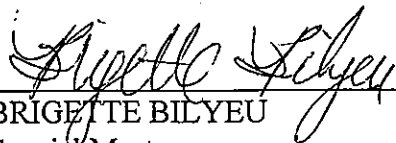
IT IS FURTHER ORDERED THAT, any affidavits and/or notices to cross-examine pursuant to I.R.C.P. 6(c)(2) shall be due on or before June 4, 2010.

Paul Thomas Blotter 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: February ____, 2010.


BRIGITTE 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 February 01, 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

PAUL THOMAS BLOTTER

3250 N 1200 E

LOGAN, UT 84321

Phone: 801-750-2949

Exhibit 1

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

RIGHT NUMBER: 27-11954

NAME AND ADDRESS:

PAUL THOMAS BLOTTER
3250 N 1200 E
LOGAN UT 84321

SOURCE:

Source:

UNNAMED STREAM

Tributary:

SINKS

QUANTITY:

0.020 CFS

4.500 AFY

Right Nos. 27-11954, 27-11955, and 27-11956 are limited to a total combined annual diversion volume of 4.5 AF.

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

PRIORITY DATE: 09/15/1925

POINT OF DIVERSION:

T08S R44E S19 SNNWSE End of Stream Flow
Within CARIBOU County

T08S R44E S20 NESWNW Begin of Stream Flow
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

05/01 11/01

0.020 CFS 4.50 AFY

PLACE OF USE:

STOCKWATER within CARIBOU County

~~T08S R44E S19 NENE~~
~~T08S R44E S19 NWNW~~
~~T08S R44E S19 SWNE~~

T08S R44E S19 SENE
T08S R44E S19 NESE
T08S R44E S19 NWSE

~~T08S R44E S19 SWSE~~
~~T08S R44E S19 SESE~~
~~T08S R44E S20 NENW~~
~~T08S R44E S20 NWNW~~

T08S R44E S20 SNNW

~~T08S R44E S20 SENW~~

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 400 cow-calf pairs.

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

RIGHT NUMBER: 27-11955

NAME AND ADDRESS:

PAUL THOMAS BLOTTER
3250 N 1200 E
LOGAN UT 84321

SOURCE:

Source:

Tributary:

UNNAMED STREAM

SINKS

~~SPRING~~

QUANTITY:

0.020 CFS

4.500 AFY

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

Right Nos. 27-11954, 27-11955, and 27-11956 are limited to a total combined annual diversion volume of 4.5 AF.

PRIORITY DATE: 09/15/1925

POINT OF DIVERSION:

T08S R44E S17 SESWSE Begin of Stream Flow
Within CARIBOU County

T08S R44E S17 SESE End of Stream Flow
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

05/01 11/01

0.020 CFS

4.50 AFY

~~04/01-11/01~~

PLACE OF USE:

STOCKWATER within CARIBOU County

T08S R44E S17 SWSE

T08S R44E S17 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 400 cow-calf pairs.

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

RIGHT NUMBER: 27-11956

NAME AND ADDRESS:

PAUL THOMAS BLOTTER
3250 N 1200 E
LOGAN UT 84321

SOURCE:

Source:
SPRING

Tributary:
SINKS

QUANTITY:

0.020 CFS
4.500 AFY

Right Nos. 27-11954, 27-11955, and 27-11956 are limited to a total combined annual diversion volume of 4.5 AF.

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

PRIORITY DATE: 09/15/1925

POINT OF DIVERSION:

T08S R44E S20 NENW
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:
STOCKWATER

Period of use:
05/01 11/01

Quantity:
0.020 CFS 4.50 AFY

PLACE OF USE:

STOCKWATER within CARIBOU County
T08S R44E S20 NENW

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 400 cow-calf pairs.