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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
FEB - 1 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.: 27-12093 and 27-12106
_____	)	

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 December 30, 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 identified these subcases as having errors in the *Director's Report* recommendations. IDWR proposed to be allowed to circulate new settlement documents or file *Amended Director's Reports*.

Hearings were held on January 30, 2009, June 5, 2009, July 31, 2009 and January 27, 2010. The claimants did not attend. At the hearing on January 27, 2010, the Idaho Department of Water Resources reported to the court that it sent a proposed settlement agreement to the claimants, but has not had any contact with the claimants. THEREFORE, an *Order to Show Cause* hearing is set as follows:

Date: June 30, 2010 Time: 11:30 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 Rock and Water Capital Partners LLC 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 Forms 5*. The elements of these water rights would then be as set forth in the attached proposed *Standard Forms 5*. (Attached hereto as Exhibit 1)

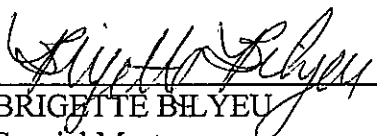
IT IS FURTHER ORDERED THAT, any affidavits and/or notices to cross-examine pursuant to I.R.C.P. 6(c)(2) shall be due on or before June 23, 2010.

Rock and Water Capital Partners LLC 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 FORMS 5.

DATED: February 1, 2010.


BRIGETTE BLYEU
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:

ROCK AND WATER CAPITAL
PARTNERS LLC
115 2ND AVE
DECATOR, GA 30030

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

Exhibit 1

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

RIGHT NUMBER: 27-12093

NAME AND ADDRESS: ROCK AND WATER CAPITAL PARTNERS LLC
115 2ND AVE
DECATOR GA 30030

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS
1.69 AFY

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

The rights listed below are limited to a total combined annual diversion volume for stockwater of 2.36 af. Combined Right Nos.: 27-85A, 27-11992, 27-12093 and 27-12106.

PRIORITY DATE: 08/02/1891

POINT OF
DIVERSION:

T07S R43E S32 NENWN End of Stream Flow Within CARIBOU County
T07S R43E S32 NESESE Begin of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	06/01 11/01	0.020 CFS <u>1.69 AFY</u>

PLACE OF USE: STOCKWATER in CARIBOU County

T07S R43E S32	SWNE	T07S R43E S32	NENW
T07S R43E S32	NWNW	T07S R43E S32	SEWN
T07S R43E S32	NESE	T07S R43E S32	NWSE
T07S R43E S32	SESE		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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 300 cattle.

~~Stockwater use is for 500 cattle.~~

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

RIGHT NUMBER: 27-12106

NAME AND ADDRESS: ROCK AND WATER CAPITAL PARTNERS LLC
115 2ND AVE
DECATOR GA 30030

SOURCE: TRAIL CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.020 CFS
1.69 AFY

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

The rights listed below are limited to a total combined annual diversion volume for stockwater of 2.35 af. Combined Right Nos.: 27-85A, 27-11992, 27-12093 and 27-12106.

PRIORITY DATE: 10/11/1986

POINT OF
DIVERSION:

~~T07S R43E S32 SENWSE Begin of Stream Flow Within CARIBOU County~~
T07S R43E S32 SWSSESE Begin of Stream Flow Within CARIBOU County
~~T07S R43E S32 NWNWNW End 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	06/01 11/01	0.020 CFS <u>1.69 AFY</u>

PLACE OF USE: STOCKWATER in CARIBOU County

T07S R43E S32	NENW	T07S R43E S32	NWNW
T07S R43E S32	SWNW	T07S R43E S32	SENW
T07S R43E S32	NESW	T07S R43E S32	NWSW
T07S R43E S32	SWSW	T07S R43E S32	SESW
T07S R43E S32	SWSSE	T07S R43E S32	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 - Decreed Beneficial Use
Stockwater use is for 300 range cattle.