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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG - 6 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.: 27-2080B and 27-12144
)
)
)

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* recommendation. A hearing was held on January 30, 2009. At the hearing, IDWR proposed that the Court allow it to either circulate a new settlement Agreement (SF5) or file *Amended Director's Reports* with corrections.

Multiple hearings were held. At a hearing held on June 30, 2010, IDWR reported to the court that it sent a proposed settlement agreement to the claimant. The claimant Jougard Sheep Co. Inc. was present at the hearing. Jougard Sheep Co. Inc. reported that it had received the *Standard Forms 5* and that it would sign the *Standards Forms 5* and file with the Court. The Court has not received the *Standard Forms 5*. THEREFORE, an *Order to Show Cause* hearing is set as follows:

Date: January 12, 2011

Time: 10:00 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 1-215-446-0193 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 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 January 7, 2011.

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 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.

The Claimant may contact the Idaho Department of Water Resources at (208) 287-4810 to take care of this pending matter prior to the hearing.

DATED: August 6, 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: 27-2080B

NAME AND ADDRESS:

JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT ID 83350

SOURCE:

Source:

UNNAMED STREAMS

~~SPRINGS~~

Tributary:

TRAIL CREEK

~~UNNAMED STREAM~~

QUANTITY:

0.020 CFS

4.500 AFY

~~0.310 CFS~~

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, 27-12144, and 27-12191.

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

PRIORITY DATE:

09/12/1923

POINT OF DIVERSION:

T08S R43E S7 NWSWSE End of Stream Flow
Within CARIBOU County

T08S R43E S7 SESWSE Begin of Stream Flow
Within CARIBOU County

T08S R43E S18 NENWNE Begin of Stream Flow
Within CARIBOU County

~~T08S R43E S7 SESWSE~~
~~Within CARIBOU County~~

~~T08S R43E S18 NENWNE~~
~~Within CARIBOU County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

~~IRRIGATION 4/02 11/01 0.100 CFS~~

~~STOCKWATER 4/02 12/01 0.210 CFS~~

STOCKWATER 05/15 11/01 0.020 CFS 4.50 AFY

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

PLACE OF USE: ~~IRRIGATION within CARIBOU County~~
~~T08S R43E S07 SWSE-5.0~~

STOCKWATER within CARIBOU County
T08S R43E S07 SWSE
T08S R43E S18 NWNE

~~5 ACRES TOTAL~~

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(5), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use ~~License~~

Stockwater use is for 150 cow/calf pairs, 350 range cattle, and 1000 sheep.

~~Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.~~

~~Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.~~

~~Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.~~

~~Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.~~

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

RIGHT NUMBER: 27-12144

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

3.000 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, 27-12144, and 27-12191.

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

PRIORITY DATE:

09/12/1932

POINT OF DIVERSION:

T08S R42E S13 SWSE Begin of Stream Flow
Within CARIBOU County

T08S R43E S7 NWSE End of Stream Flow
Within CARIBOU County

T08S R43E S18 NWSE Begin of Stream Flow
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

05/15 11/01

0.020 CFS 3.00 AFY

~~05/01 11/01~~

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

PLACE OF USE: STOCKWATER within CARIBOU County

T08S R42E S12 SWSE
T08S R42E S12 SESE
T08S R42E S13 NWNE
T08S R42E S13 SWNE
T08S R42E S13 NWSE
T08S R42E S13 SWSE
T08S R43E S07 Lot 4 SWSW
T08S R43E S07 SESW
T08S R43E S07 NWSE
T08S R43E S07 SWSE
T08S R43E S18 NWNE
T08S R43E S18 SWNE
T08S R43E S18 NWSE

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

Stock water use is for 1500 sheep and 150 cow/calf pairs.

~~Stock water use is for 6000 sheep and 150 cow/calf pairs.~~

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING SHOW CAUSE HEARING was mailed on August 06, 2010, with sufficient first-class postage to the following:

COMMITTEE OF NINE

Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

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

COMMITTEE OF NINE

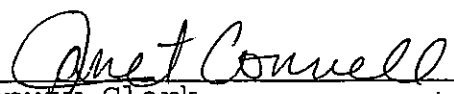
Represented by:
RAY W. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JOUGLARD SHEEP CO INC

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


Deputy Clerk