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SEP 8 2010

Department of Water Resources

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP - 3 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 TO SHOW CAUSE AND
SUMMONS TO APPEAR

SUBCASE NO.: 37-21947

An Initial Hearing for these subcases was held on April 28, 2010. Notice of the hearing was sent to the claimants. The Objectors Bill Molyneux, Gerald Bashaw, Grace Eakin, John Stevenson, Pepin Corso-Harris, Pete Van Der Meulen, Rocky Sherbine, Tom O'Gara, Big Wood Canal Company and the Idaho Department of Water Resources appeared at the hearing.

At the hearing, the Objectors reported that they have had no contact with the claimant. IDWR also reported that it has not been able to contact the claimant. The claimant failed to appear at the Initial Hearing. THEREFORE, an *Order to Show Cause* hearing is set as follows:

DATE: September 29, 2010 Wednesday
TIME: 1:30 pm
LOCATION: Snake River Basin Adjudication
253 3rd Ave. North
Twin Falls, Idaho 83301

Parties may participate by telephone for this Show Cause Hearing by dialing 1-215-446-0193 and when prompted enter participant code 926509. If you have any questions regarding participating by telephone, 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 Mel Okeon 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 these water rights 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 from the parties pursuant to I.R.C.P. 6(c)(2) shall be due on or before September 24, 2010.

Mel Okeon 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 Mel Okeon not less than five (5) days prior to the date set for hearing, upon which those parties 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: September 3, 2010.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

Exhibit 1

06/16/2010

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

RIGHT NUMBER: 37-21947

NAME AND ADDRESS: MEL OKEON
PO BOX 169
HANFORD CA 93232-0169

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.380 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 06/01/1887

POINT OF
DIVERSION:

T02N R18E S36 NESWNW Within BLAINE County
Water diverted from Headgate #45 delivered through District Canal.

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.380 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01N R18E S25	NESW 24.00	T01N R18E S25 NWSW 0.20
	24.2 ACRES TOTAL		

Right Nos. 37-21947 and 37-21603 are limited to the irrigation of a combined total of 24.2 acres in a single irrigation season.

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 - Decreed

This right is a split from former right 37-21833.

This right is a split from former right 37-102C.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TO SHOW CAUSE AND SUMMONS TO APPEAR was mailed on September 03, 2010, with sufficient first-class postage to the following:

BILL MOLYNEUX
GERALD BASHAW
GRACE EAKIN
JOHN F STEVENSON
PEPIN CORSO-HARRIS
PETE VAN DER MEULEN
ROCKY SHERBINE
TOM O GARA

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

BIG WOOD CANAL COMPANY

Represented by:
CRAIG D. HOBDEY
125 5TH AVE
PO BOX 176
GOODING, ID 83330
Phone: 208-934-4429

MEL OKEON
PO BOX 169
HANFORD, CA 93232-0169
Phone: 209-584-2400

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098