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SEP 15 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 14 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 TO SHOW CAUSE AND
	)	SUMMONS TO APPEAR
Case No. 39576	)	
	)	SUBCASE NOS.: 22-13481, 22-13482, 22-
_____	)	13483, and 22-13484

A *Motion to Withdraw as Counsel of Record* for Blaine and Nancy Huntsman and Evergreen Investment Utah LLC, was filed by Robert L. Harris. This *Motion* was supported by the *Affidavit of Robert L. Harris*. A hearing was held on the *Motion* on June 9, 2010. An *Order Granting Leave to Withdraw as Attorney of Record* was issued June 21, 2010. The *Order* required the Huntsmans and Evergreen Investments Utah LLC to provide written notification of how they would proceed in the case. The *Order* further stated an *Order to Show Cause* would issue if no notice was filed. The Huntsmans and Evergreen Investments Utah LLC did not provide such notice. Therefore, the court issued an Order to Show Cause why the court should not recommend these rights consistent with the proposed *Standard Forms 5*.

Therefore, IT IS HEREBY ORDERED, pursuant to I.R.C.P. 6(c)(2) and I.R.C.P. 6(c)(4) that Blaine and Nancy Huntsman and Evergreen Investment Utah LLC shall appear at a Show Cause Hearing to determine why these rights should not be recommended consistent with the attached *Standard Forms 5*.

DATE: October 27, 2010
TIME: 10:00 am
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

Blaine and Nancy Huntsman and Evergreen Investment Utah 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 Blaine and Nancy Huntsman and Evergreen Investment Utah LLC 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 THESE WATER RIGHTS BEING RECOMMENDED CONSISTENT WITH THE ATTACHED STANDARD FORMS 5.

Dated: September 14, 2010.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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 14, 2010, with sufficient first-class postage to the following:

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

BLAINE HUNTSMAN
EVERGREEN INVESTMENT UTAH LLC
NANCY HUNTSMAN
2834 ETIENNE WAY
SANDY, UT 84093
Phone: 801-438-0240


Deputy Clerk

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

RIGHT NUMBER: 22-13481

NAME AND ADDRESS:

BLAINE HUNTSMAN
2834 ETIENNE WAY
SANDY UT 84093

EVERGREEN INVESTMENT UTAH LLC
2834 ETIENNE WAY
SANDY UT 84093

NANCY HUNTSMAN
2834 ETIENNE WAY
SANDY UT 84093

SOURCE:

Source:
UNNAMED STREAMS

Tributary:
FOX CREEK

QUANTITY: 0.450 CFS

~~0.700 CFS~~

PRIORITY DATE: 09/01/1968

POINT OF DIVERSION:

T04N R45E S28 SWSW
Within TETON County

~~T04N R45E S28 SESWSW~~
~~Within TETON County~~

T04N R45E S33 NWNE
Within TETON County

~~T04N R45E S33 SNNWNE~~
~~Within TETON County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.450 CFS

~~0.700 CFS~~

PLACE OF USE:

IRRIGATION within TETON County

T04N R45E S28 SWSW 17.0

T04N R45E S28 SESW 18.0

35 ACRES TOTAL

Right Nos. 22-13481 and 22-13483 are limited to the irrigation of a combined total of 35 acres in a single irrigation season.

This right is limited to the irrigation of 22.7 acres within the place of use described above in a single irrigation season.

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.

~~This right is subject to regulation by the watermaster of Water District 01.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 22-4181.

Source in T4N R45E S33 NWNE is also known as Snake Creek.

~~Source is also known as Snake Creek.~~

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

RIGHT NUMBER: 22-13482

NAME AND ADDRESS:

BLAINE HUNTSMAN
2834 ETIENNE WAY
SANDY UT 84093

SOURCE:

Source:
UNNAMED STREAMS

Tributary:

FOX CREEK

QUANTITY:

0.290 CFS

~~0.440 CFS~~

PRIORITY DATE:

09/01/1968

POINT OF DIVERSION:

T04N R45E S28 SWSW
Within TETON County

~~T04N R45E S28 SESWSW~~
~~Within TETON County~~

T04N R45E S33 NWNE
Within TETON County

~~T04N R45E S33 SNNWNE~~
~~Within TETON County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.290 CFS

~~0.440 CFS~~

PLACE OF USE:

IRRIGATION within TETON County

T04N R45E S29 SENE 1.2

T04N R45E S29 NESE 12.0

T04N R45E S29 SESE 8.8

22 ACRES TOTAL

Right Nos. 22-13482 and 22-13484 are limited to the irrigation of a combined total of 22 acres in a single irrigation season.

This right is limited to the irrigation of 14.3 acres within the place of use described above in a single irrigation season.

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.

~~This right is subject to regulation by the watermaster of Water District 01.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Source in T4N R45E S33 NWNE is also known as Snake Creek.

This right is a split from former right 22-4181.

~~Source is also known as Snake Creek.~~

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

RIGHT NUMBER: 22-13483

NAME AND ADDRESS:

BLAINE HUNTSMAN
2834 ETIENNE WAY
SANDY UT 84093

EVERGREEN INVESTMENT UTAH LLC
2834 ETIENNE WAY
SANDY UT 84093

NANCY HUNTSMAN
2834 ETIENNE WAY
SANDY UT 84093

SOURCE:

Source:
UNNAMED STREAM

Tributary:
FOX CREEK

QUANTITY: 0.250 CFS

~~Right Nos. 22-13481 and 22-13483 are limited to a total combined diversion rate of 0.70 cfs.~~

PRIORITY DATE: 01/25/1938

~~01/24/1938~~

POINT OF DIVERSION:

T04N R45E S33 NWNE
Within TETON County

~~T04N R45E S33 SWNWNE~~
~~Within TETON County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.250 CFS

PLACE OF USE:

IRRIGATION within TETON County

T04N R45E S28 SWSW 17.0

T04N R45E S28 SESW 18.0

35 ACRES TOTAL

This right is limited to the irrigation of 12.3 acres within the place of use described above in a single irrigation season.

Right Nos. 22-13481 and 22-13483 are limited to the irrigation of a combined total of 35 acres in a single irrigation season.

~~This right is limited to the irrigation of 12.28 acres within the place of use described above in a single irrigation season.~~

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.

~~This right is subject to regulation by the watermaster of Water District 01.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 22-4183.

Source is also known as Snake Creek.

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

RIGHT NUMBER: 22-13484

NAME AND ADDRESS:

ELAINE HUNTSMAN
2834 ETIENNE WAY
SANDY UT 84093

SOURCE:

Source:
UNNAMED STREAM

Tributary:
FOX CREEK

QUANTITY: 0.150 CFS

PRIORITY DATE: 01/25/1938
~~01/24/1938~~

POINT OF DIVERSION:

T04N R45E S33 NWNE
Within TETON County

~~T04N R45E S33 SWNWNE~~
~~Within TETON County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.150 CFS

PLACE OF USE:

IRRIGATION within TETON County

T04N R45E S29 SENE 1.2

T04N R45E S29 NESE 12.0

T04N R45E S29 SESE 8.8

22 ACRES TOTAL

Right Nos. 22-13482 and 22-13484 are limited to the irrigation of a combined total of 22 acres in a single irrigation season.

This right is limited to the irrigation of 7.7 acres within the place of use described above in a single irrigation season.

~~This right is limited to the irrigation of 7.72 acres within the place of use described above in a single irrigation season.~~

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.

~~This right is subject to regulation by the watermaster of Water District 01.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Source is also known as Snake Creek.

This right is a split from former right 22-4183.