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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
NOV 30 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.: 22-13721, 22-13723,
	)	and 22-13434

Counsel for claimants BC Properties LLC filed a *Motion to Withdraw as Counsel of Record* on August 20, 2010. The claimant did not attend the hearing on September 1, 2010. The court issued an *Order Granting Leave to Withdraw as Counsel of Record* on Sep. 13, 2010.

The *Order Granting Leave to Withdraw as Counsel of Record* stated that BC Properties LLC was required to appoint another attorney. The *Order* further stated that if the court did not receive written notification of how BC Properties LLC would proceed, the court would go forward with an *Order to Show Cause*.

As of the date of this *Order to Show Cause*, BC Properties LLC had not appointed another attorney or notified the court how it would proceed.

THEREFORE, IT IS ORDERED, pursuant to I.R.C.P. 6(c)(2) and I.R.C.P. 6(c)(4) that the claimant shall appear at a Show Cause Hearing to determine whether its *Objections* to subcase 22-13723 should be **dismissed for failure to prosecute** and whether subcase 22-13723 should be recommended consistent with the attached proposed *Standard Form 5*. In addition, the claimant shall appear at the Show Cause Hearing to determine whether its *Claims* to subcases 22-13721 and 22-13434 shall be **dismissed**. The claims for 22-13723 and 22-13434 would be **disallowed** and not included in any final or partial decrees.

DATE: January 26, 2011
TIME: 3:00 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.

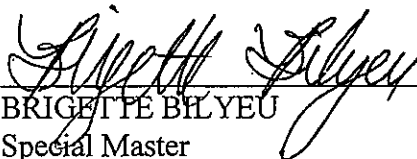
IT IS FURTHER ORDERED THAT, any affidavits from the parties pursuant to I.R.C.P. 6(c)(2) shall be due on or before January 20, 2011.

BC Properties LLC 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 BC Properties, 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 IRCP 5(b) and 6(c)(2).

APPEARANCE AT THIS HEARING IS MANDATORY. FAILURE TO APPEAR AT THIS HEARING MAY RESULT IN THE CLAIMANT'S OBJECTIONS BEING DISMISSED FOR FAILURE TO PROSECUTE. FAILURE TO APPEAR AT THIS HEARING MAY ALSO RESULT IN WATER RIGHTS 22-13721 and 22-13434 BEING DISALLOWED AND WATER RIGHT 22-13723 BEING RECOMMENDED CONSISTENT WITH THE ATTACHED STANDARD FORM 5.

Dated: November 30, 2010.


BRIGETTE BLYEU
Special Master
Snake River Basin Adjudication

10/27/10

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NOT RECOMMENDED

<u>W.R. Number</u>	<u>Name and Address</u>	<u>Claim disposition</u>
22-13434	BC Properties LLC P.O. Box 28 Driggs, ID 83422	Disallowed

10/27/10

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NOT RECOMMENDED

<u>W.R. Number</u>	<u>Name and Address</u>	<u>Claim disposition</u>
22-13721	BC Properties LLC P.O. Box 28 Driggs, ID 83422	Disallowed

10/27/10

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

RIGHT NUMBER: 22-13723

NAME AND ADDRESS: BC PROPERTIES LLC
PO BOX 28
DRIGGS ID 83422

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.660 CFS
218.00 AFY

PRIORITY DATE: 10/10/1974

POINT OF
DIVERSION:

T05N R45E S5 NESESE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.660 CFS 218.00 AFY

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S05	NWSW	39.00	T05N R45E S05	SWSW	35.00
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74 ACRES TOTAL

~~The rights listed below are limited to the irrigation of a combined total of 74 acres in a single irrigation season. Combined Right Nos.: 22-13721 & 22-13723.~~

This right is limited to the irrigation of 72.5 acres within the place of use described above 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 - License

This right is a split from former right 22-7105 .

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

~~Use of water under this right is combined with water from Leigh Creek Canal.~~

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TO SHOW CAUSE AND SUMMONS TO APPEAR was mailed on November 30, 2010, with sufficient first-class postage to the following:

KERRY GEE

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

BC PROPERTIES LLC
PO BOX 28
DRIGGS, ID 83422
Phone: 208-351-2633

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