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DEC 13 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 10 2010	
By _____	Clerk
_____	Deputy Clerk

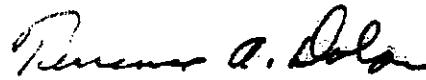
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase 35-4037
	)	(Polatis)
Case No. 39576	)	
_____	)	ORDER TO SHOW CAUSE

A scheduling conference was held by telephone conference on December 9, 2010. Robert L. Harris appeared for claimants Daniel and Richard Polatis and Andrea L. Courtney appeared for IDWR. IDWR has prepared and sent to the claimants a settlement document, a *Standard Form 5*, to resolve their *Objection*, but to date, the claimants have not indicated their concurrence. In order to move the subcase to final resolution,

THEREFORE, IT IS ORDERED that the claimants shall appear before the SRBA Court, 253 3rd Avenue North, Twin Falls, Idaho, on **Thursday, January 6, 2011, 11:30 a.m.** and show cause why their claim should not be recommended and decreed as described in the attached *SF-5*. In the event the claimants fail to appear as ordered, the Special Master shall recommend to the Presiding Judge that the claim, as described in the *SF-5*, be so decreed with no further proceedings. If the claimants sign the *SF-5* on or before the hearing date, the matter will be vacated and the claim recommended in due course.

DATED December 10, 2010.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TO SHOW CAUSE was mailed on December 10, 2010, with sufficient first-class postage to the following:

RICHARD D POLATIS

Represented by:

KENT W FOSTER

1000 RIVERWALK DR, STE 200

PO BOX 50130

IDAHO FALLS, ID 83405

Phone: 208-523-0620

RICHARD D POLATIS

Represented by:

ROBERT L HARRIS

1000 RIVERWALK DR, STE 200

PO BOX 50130

IDAHO FALLS, ID 83405

Phone: 208-523-0620

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

DANIEL T POLATIS

131 S 1075 W

BLACKFOOT, ID 83221

Phone: 208-684-3135

**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 .	)	Subcase No. 35-4037
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

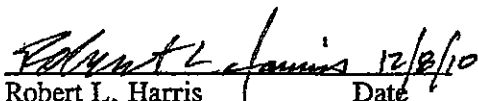
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Richard D. Polatis

CLAIMANT:


Robert L. Harris Date
Attorney for Claimant/Objector

Daniel T. Polatis Date

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

Andrea L. Courtney 9/30/10
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 35-4037

NAME AND ADDRESS: DANIEL T POLATIS
131 S 1075 W
174 S 1075 W
BLACKFOOT ID 83221

RICHARD D POLATIS
174 S 1075 W
BLACKFOOT ID 83221

ATL
PLAT

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.200 CFS ~~2.000 CFS~~
606.40 APY

PRIORITY DATE: 06/16/1961

POINT OF
DIVERSION:

T03S R32E S5 NWSW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	~~2.000~~ <u>2.200 CFS</u> 606.40 APY

PLACE OF USE: IRRIGATION in BINGHAM County

T03S R32E S05	NESW	33.60	T03S R32E S05	NWSW	38.00
T03S R32E S05	SWSW	40.00	T03S R32E S05	SESW	40.00

151.6 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(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF MAILING

I certify that on _____, 2010, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

RICHARD D. POLATIS
Represented by:
ROBERT L. HARRIS
1000 RIVERWALK DR., STE. 200
P.O. BOX 50130
IDAHO FALLS, ID 83405

DANIEL T. POLATIS
131 S. 1075 W.
BLACKFOOT, ID 83221

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form