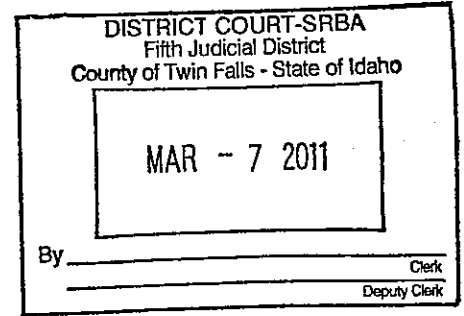


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MAR 08 2011

DEPARTMENT OF
WATER RESOURCES



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.: 37-2557Y, 37-11924B,
37-11925B, 37-11926B, 37-11927B, and
37-11928B

_____)

A Status Conference for this subcase was held on October 13, 2010. Notice of the hearing was sent to the claimant, however the claimant failed to appear at the hearing. At the hearing, IDWR informed the court that proposed *Standard Forms 5* had been sent to the claimant, however, the claimant did not return the *Standard Forms 5* by the deadline set by the court.

Therefore, the court issued this Order to Show Cause why the court should not recommend these rights pursuant to the proposed *Standard Forms 5* Settlement Agreements attached as Exhibit A.

Therefore, IT IS HEREBY ORDERED, pursuant to I.R.C.P. 6(c)(2) and I.R.C.P. 6(c)(4) that the claimants, Eastfield at Bellevue Farms HOA shall appear at a Show Cause Hearing to determine whether these water rights should be recommended pursuant to the proposed *Standard Forms 5*.

DATE: March 23, 2011 Wednesday
 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 Clerks Office at (208) 736-3011.

IT IS FURTHER ORDERED THAT, any affidavits filed pursuant to I.R.C.P. 6(c)(2) shall be due on or before March 18, 2011.

Eastfield at Bellevue Farms HOA 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 Eastfield at Bellevue Farms HOA 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 THE RECOMMENDATION OF THESE WATER RIGHTS AS SET FORTH IN THE ATTACHED PROPOSED STANDARD FORMS 5.

Dated: March 7, 2011.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

Exhibit A

05/12/2010

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

RIGHT NUMBER: 37-2557Y

NAME AND ADDRESS: EASTFIELD AT BELLEVUE FARMS HOA
PO BOX 301
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.950 CFS
164.15 AFY

The rights listed below 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 in the place of use. Combined Right Nos.: 37-2557Y, 37-11924B, 37-11925B, 37-11926B, 37-11927B, and 37-11928B.

~~This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.~~

PRIORITY DATE: 09/25/1954

POINT OF
DIVERSION:

T01N R19E S7 NWSEW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.950 CFS 164.15 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R19E S07	SWSE	0.50	T01N R19E S07	SESE	0.50
T01N R19E S18	NENE	16.90	T01N R19E S18	NWNE	29.00

46.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 46.9 acres in a single irrigation season. Combined Right Nos.: 37-11924B, 37-11925B, 37-11926B, 37-11927B, 37-11928B, and 37-2557Y.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The right holder shall use the full allotment of appurtenant surface water rights, to the extent they are available, in conjunction with groundwater diverted pursuant to this 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 to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Proposed Partial Decree

37-2557Y

05/12/2010

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

RIGHT NUMBER: 37-11924B

NAME AND ADDRESS: EASTFIELD AT BELLEVUE FARMS HOA
PO BOX 301
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.767 CFS

The rights listed below 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 in the place of use. Combined Right Nos.: 37-2557Y, 37-11924B, 37-11925B, 37-11926B, 37-11927B, and 37-11928B.

PRIORITY DATE: 03/24/1883

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	0.767 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R19E S07	SWSE	0.50	T01N R19E S07	SESE	0.50
T01N R19E S18	NENE	16.90	T01N R19E S18	NWNE	29.00

46.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 46.9 acres in a single irrigation season. Combined Right Nos.: 37-11924B, 37-11925B, 37-11926B, 37-11927B, 37-11928B, and 37-2557Y.

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 37-577.

05/12/2010

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

RIGHT NUMBER: 37-11925B

NAME AND ADDRESS: EASTFIELD AT BELLEVUE FARMS HOA
PO BOX 301
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.046 CFS

The rights listed below 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 in the place of use. Combined Right Nos.: 37-2557Y, 37-11924B, 37-11925B, 37-11926B, 37-11927B, and 37-11928B.

PRIORITY DATE: 07/10/1884

POINT OF DIVERSION:

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

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	0.046 CFS

PLACE OF USE:

<u>IRRIGATION in BLAINE County</u>					
T01N R19E S07	SWSE	0.50	T01N R19E S07	SESE	0.50
T01N R19E S18	NENE	16.90	T01N R19E S18	NWNE	29.00

46.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 46.9 acres in a single irrigation season. Combined Right Nos.: 37-11924B, 37-11925B, 37-11926B, 37-11927B, 37-11928B, and 37-2557Y.

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 37-664.

05/12/2010

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

RIGHT NUMBER: 37-11926B

NAME AND ADDRESS: EASTFIELD AT BELLEVUE FARMS HOA
PO BOX 301
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.455 CFS

The rights listed below 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 in the place of use. Combined Right Nos.: 37-2557Y, 37-11924B, 37-11925B, 37-11926B, 37-11927B, and 37-11928B.

PRIORITY DATE: 09/18/1885

POINT OF DIVERSION:
T02N R18E S36 NESWN 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	0.455 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R19E S07	SWSE	0.50	T01N R19E S07	SESE	0.50
T01N R19E S18	NENE	16.90	T01N R19E S18	NWNE	29.00

46.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 46.9 acres in a single irrigation season. Combined Right Nos.: 37-11924B, 37-11925B, 37-11926B, 37-11927B, 37-11928B, and 37-2557Y.

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 37-298.

Proposed Partial Decree

37-11926B

05/12/2010

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

RIGHT NUMBER: 37-11928B

NAME AND ADDRESS: EASTFIELD AT BELLEVUE FARMS HOA
PO BOX 301
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 1.153 CFS

The rights listed below 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 in the place of use. Combined Right Nos.: 37-2557Y, 37-11924B, 37-11925B, 37-11926B, 37-11927B, and 37-11928B.

PRIORITY DATE: 06/15/1891

POINT OF DIVERSION: T02N R18E S36 NESWN 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	1.153 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R19E S07	SWSE	0.50	T01N R19E S07	SESE	0.50
T01N R19E S18	NENE	16.90	T01N R19E S18	NWNE	29.00

46.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 46.9 acres in a single irrigation season. Combined Right Nos.: 37-11924B, 37-11925B, 37-11926B, 37-11927B, 37-11928B, and 37-2557Y.

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 37-480 and 37-667.

Proposed Partial Decree

37-11928B

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TO SHOW CAUSE AND SUMMONS TO APPEAR was mailed on March 07, 2011, with sufficient first-class postage to the following:

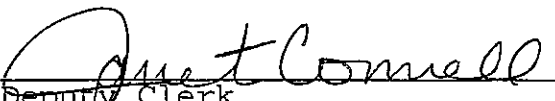
EASTFIELD AT BELLEVUE
FARMS HOA
PO BOX 301
BELLEVUE, ID 83313
Phone: 208-788-5038

BILL MOLYNEUX
GERALD BASHAW
GRACE EAKIN
JOHN F STEVENSON
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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

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


Deputy Clerk