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JUL 06 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUL - 5 2011
By _____ Clark
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 02-7415
	)	(DBSI Snake River 94 LLC)
Case No. 39576	)	
_____	)	ORDER TO SHOW CAUSE

Dan and Barbara Hogan filed a *Notice of Claim to a Water Right* on November 1, 1988, claiming 1.36 cfs from the Snake River to irrigate 68 acres in Owyhee County from March 15 to November 15 with a priority date of February 7, 1985, based on a permit. The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area Basin 02* on December 29, 2006. The Director recommended the claim to DBSI Snake River 94 LLC, 1550 S. Tech Lane, Meridian, Idaho, 83642, for 1.03 cfs to irrigate 57 acres based on a license.

DBSI filed an *Objection* on December 5, 2007, objecting to place of use. However, on July 29, 2009, the Special Master entered an *Order Granting Motion for Leave to Withdraw as Counsel of Record* based on counsel for DBSI's *Motion*. The *Proof of Service for the Order* stated that Mark Ellison, DBSI, 12426 W. Explorer Drive, Boise, Idaho, 83713, is currently registered as general counsel for the DBSI Group of Companies. Since entry of the *Order*, no further action on the claim has been noted and no attorney has filed notice of appearance on behalf of DBSI.

THEREFORE, IT IS ORDERED that a hearing will be held on **Thursday, July 28, 2011, 1:30 a.m.**, at the SRBA Court, 253 3rd Avenue North, Twin Falls, Idaho, during which DBSI shall appear by counsel and show cause why its claim should not be partially decreed as

recommended by the IDWR Director. If DBSI fails to appear, the Special Master will recommend to the SBA Presiding Judge that a partial decree be entered with no further notice to DBSI. A copy of IDWR's recommendation of the claim is attached.

DATED July 5, 2011.

A handwritten signature in black ink, appearing to read "Terrence A. Dolan". The signature is fluid and cursive, with a horizontal line drawn underneath it.

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 02-07415

DRAFT

NAME AND ADDRESS: DBSI SNAKE RIVER 94 LLC
1550 S TECH LN
MERIDIAN, ID 83642

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.03 CFS
285.00 AFY

PRIORITY DATE: 02/07/1985

POINT OF DIVERSION: T04N R05W S19 LOT 8 (SWNW) Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.03 CFS 285.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: Irrigation Within Owyhee County
T04N R05W S19 LOT 6 (SWNE)19.0 LOT 5 (SENE)10.0
LOT 7 (SENW)12.0
S20 LOT 4 (NWSW)16.0
57.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 57-7176 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 61 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. I.C. SECTION 42-1412(6).

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TO SHOW CAUSE was mailed on July 05, 2011, with sufficient first-class postage to the following:

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BOISE, ID 83713

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DIRECTOR OF IDWR
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