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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 06 2012	
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 SETTING
	)	SHOW CAUSE HEARING
Case No. 39576	)	
	)	SUBCASE NOS.: 27-12069
_____	)	

I. BACKGROUND

This subcase has long been part of a big group of subcases in Basin 27 which had volumetric *Objections* by the Shoshone-Bannock Tribes and the United States. Many hearings were held on that issue which is now proceeding under subcase 27-11375. This subcase has an *Objection* by the claimant, however, which is unresolved. A hearing was held on January 4, 2012 to resolve that *Objection*. The Claimant Charles Brent Weaver failed to attend. At the hearing on January 4, 2012, the Idaho Department of Water Resources reported to the court that Mr. Weaver has also not responded to proposed settlement documents, or *Standard Forms 5*. THEREFORE, an *Order to Show Cause* hearing is set as follows:

Date: February 22, 2012 Time: 1:30 p.m. Show Cause Hearing
Location: Snake River Basin Adjudication
253 3rd Ave. North
Twin Falls, Idaho 83301

Parties may participate by telephone for the Show Cause Hearing by dialing 1-215-446-0193 and when prompted enter participant code 926509#. Any questions regarding telephone participation, please contact the clerk's office at (208) 736-3011.

IT IS HEREBY ORDERED, pursuant to I.R.C.P. 6(c)(2) and I.R.C.P. 6(c)(4) that Charles Brent Weaver shall appear at the **Show Cause Hearing** and show whether the Court should issue a *Special Master's Report and Recommendation* recommending the elements as set forth in the

attached proposed *Standard Form 5*. (Attached hereto as Exhibit 1)

IT IS FURTHER ORDERED THAT, any affidavits and/or notices to cross-examine pursuant to I.R.C.P. 6(c)(2) shall be due on or before February 15, 2012 .

Charles Brent Weaver 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 the Claimant not less than five (5) days prior to the date set for hearing, where he is 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 THIS WATER RIGHT BEING RECOMMENDED AS SET FORTH IN THE ATTACHED STANDARD FORM 5.

DATED: January 6, 2012.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

Exhibit 1

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

RIGHT NUMBER: 27-12069

NAME AND ADDRESS:

CHARLES BRENT WEAVER
802 W RIVERTON RD.
BLACKFOOT ID 83221

SOURCE: Source:
BLACKFOOT RIVER

Tributary:
SNAKE RIVER

QUANTITY: 0.353 CFS ~~0.200 CFS~~

PRIORITY DATE: 04/01/1883

POINT OF DIVERSION:

T03S R35E S18 Lot 6 SWNE
Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/01 10/31	<u>0.353 CFS</u> ~~0.200 CFS~~

PLACE OF USE: IRRIGATION within BINGHAM County

T03S R34E S23 Lot 3 SWNW 28.0

T03S R34E S23 Lot 17 SWNW 5.3

33.3 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 - Decreed

WATER IS DELIVERED THROUGH RIVERTON DITCH.
Use of this right is combined with water from Blackfoot Irrigation Company.
This right is a split from former right 27-25.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING SHOW CAUSE HEARING was mailed on January 06, 2012, with sufficient first-class postage to the following:

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