

RECEIVED

MAR 08 2011

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR - 7 2011	
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.: 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 3 rd 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

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
PEPIN CORSO-HARRIS
PETE VAN DER MEULEN
ROCKY SHERBINE
TOM O GARA

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
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

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 NWSESW 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.

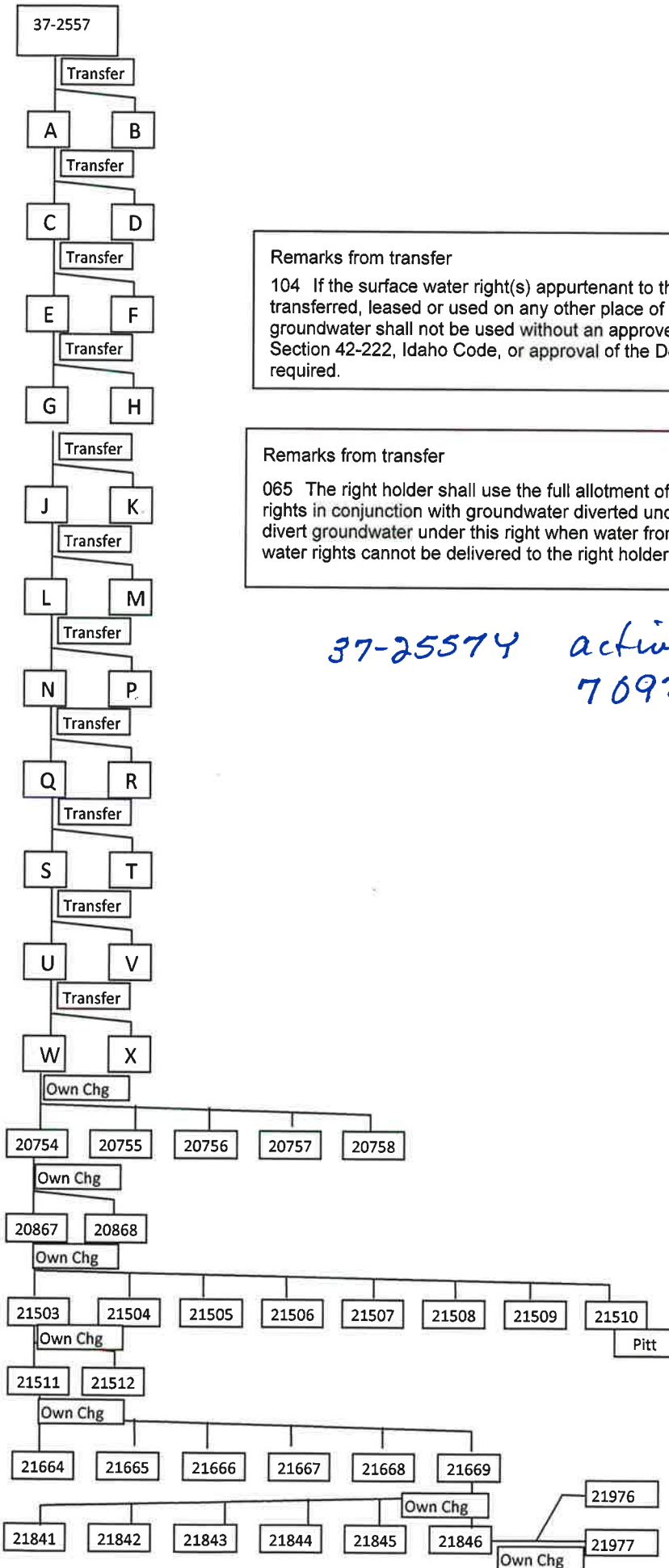
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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



Remarks from transfer

104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

Remarks from transfer

065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

*37-25574 active transfer
70929*

Mar 23, 2011

37-25574, 11924B 11925B 11926B 11927B 11928B

Eastfield @ Bellevue Farms.

AL, Craig, Nick

Court - Settledocs sent no response. In Claimant show cause order went out.

Nick - lost hearing in Oct. Given a Dec deadline Vicki contacted Derek Trent. He said he would present info to H.O.A. Vicki tried 2 more times to contact Trent. No response.

Court Show cause gave claimants opportunity to respond. Court will issue recommendations based upon Show cause

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, May 12, 2010 12:07 PM
To: Kelly, Vicki; Spencer, Nick
Subject: 37-2557Y Eastfield etal SF-5s

Eastfield at Bellevue

O.K. this group has a little quirk. The transfer language regarding subordination of the GW right was already a part of the recommendation. The language has been updated now as reflected in the Bloomfield and Pitt recommendations. I did not change it to the current language nor did I move it to the source area. It can be done if you think it is necessary but I thought that it would lead to less confusion for claimant review. The rest is just like Bloomfield and Pitt.

Derek Trent's e-mail is Trentcon@mindspring.com I am not sure if the first letter is caps or not though. He put it down as Cap. Do we want to send the group as SF-5s to be signed or just send the proof reports for their review?



37-2557Y eastfield 37-11928B eastfield37-11927B eastfield37-11926B eastfield37-11925B eastfield37-11924B eastfield
SF-5 2003.d... SF-5 2003.... SF-5 2003.... SF-5 2003.... SF-5 2003.... SF-5 2003....

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

*at issue as of
1-24-11
Last communication
5-12-10*

11/24/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF 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:

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.

QUANTITY: 0.950 CFS
164.150 AFY

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 NWSESW 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:

<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

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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 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.

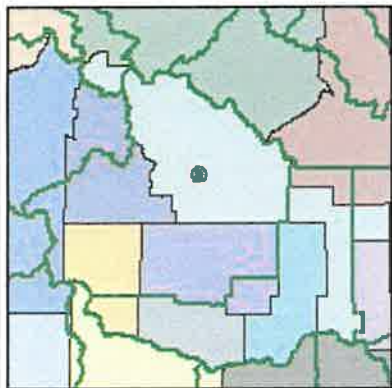
Idaho Department of Water Resources

SRBA Recommendation:

37-2557Y

Legend

- ⊙ Point of Diversion
- ▭ Place of Use
- ▭ Townships
- ▭ PLS Sections
- ▭ Quarter Quarters



Blaine County
IDWR Basin 37



0 0.2 0.4 Miles

Prepared by N. Erickson
On Friday, November 24, 2006
2004 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 37-2557Y

WATER RIGHT NUMBER: 37-2557Y

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MICHAEL J MC CARTHY PO BOX 287 BELLEVUE, ID 83313 (208)726-6951
Current Owner	EASTFIELD AT BELLEVUE FARMS HOA PO BOX 287 BELLEVUE, ID 83313 (208)726-6951
Original Owner	BELLEVUE FARMS LANDOWNERS ASSN 1950 112TH AVE NE STE 204 BELLEVUE, WA 98004 (206)621-7626
Original Owner	SUSAN M MC CARTHY PO BOX 287 BELLEVUE, ID 83313 (208)726-6951

Priority Date: 09/25/1954

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.950 CFS	118.75 AF
	<u>Total Diversion:</u>	0.950 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4SW1/4	Sec. 7,	Twp 01N,	Rge 19E, B.M.
BLAINE County				

Place of Use

IRRIGATION Within BLAINE County

T01N R19E S07	SESE	1.0	T01N R19E S18	NENE	20.0
T01N R19E S18	NWNE	25.9			

Total Acres: 46.9

Conditions of Approval:

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 37-2557Y

1. General CLAIM WAS SPLIT FROM A37-02557J PURSUANT TO APPROVED TRANSFER 4666
12/15/95 TF.
***** OWNERSHIP CHANGE RESULTED IN A SPLIT FROM A37-02557L.
A37-02557N BELONGS TO BELLEVUE FARMS WITH 3.81 CFS. A37-02557P BELONGS TO MC CARTHY WITH .95 CFS. 3/18/96 TLB
***** CLERICAL ERROR
CORRECTED. TLB 7/16/96 *****
OWNERSHIP CHANGE MADE 2/28/97 BY TLB.

Comments:

Dates and Other Information:

Claim Received Date: 10/24/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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