

**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 91-00005-34
	)	(Basin-Wide Issues 5-34, Separate
Case No. 39576	)	Streams)
	)	
	)	<b>ORDER TO SHOW CAUSE AND</b>
_____	)	<b>SUMMONS TO APPEAR</b>

**TO:** Big Bend Irrigation District, Boise-Kuna Irrigation District, New York Irrigation District, and Wilder Irrigation District represented by Albert P. Barker; Nampa-Meridian Irrigation District represented by Daniel V. Steenson; Bar Horseshoe Cattle & Livestock, David & Mary Stoecklein and Idaho Cowboy, Inc. represented by James P. Speck; Simmons Trusts represented by James R. Bennetts; Aqua Life Corporation and Pristine Springs, Inc. represented by Jason Miciak; Aberdeen-American Falls Ground Water District and Bingham Ground Water District represented by Jeffrey C. Fereday; Don & Carol McFarland and Sundance, Inc. represented by John K. Butler; North Snake Ground Water District represented by Josephine P. Beeman; Idaho Conservation League, Idaho Rivers United and Idaho Wildlife Federation represented by Laird Lucas of the Land & Water Fund of the Rockies; Mark T. Gates, North Side Canal Company and Twin Falls Canal Company represented by Norman M. Semanko; Fremont-Madison Irrigation District and Mitigation Group represented by Ray W. Rigby; A&B Irrigation District, Burley Irrigation District and Falls Irrigation District represented by Roger D. Ling; United States of America represented by the Environment & Natural Resources Division of the United States Department of Justice; Charles W. Burgess, Granite Trust Organization, Larman Anderson and Reva W. Walker Trust represented by Willaim R. Hollifield; Roy E. Crawford; Francis L. Smith; Seth Beal; Matea & John McCray; and Herb Whitworth, Jr. (**collectively referred to herein as “Parties Not Present”**).

## DESCRIPTIVE SUMMARY

On February 16, 2000, Special Master Thomas Cushman, acting as Settlement Moderator pursuant to an order of this Court, issued an *Order Setting Initial Mandatory Settlement Conference* (“*Order*”) setting the time and place for a mandatory settlement conference on the “separate streams” issue of Basin-Wide Issues 5-34 (i.e., General Provision 5 in Basin 34) for 10:00 a.m., April 10, 2000, at the Butte County Memorial Building located in Arco, Idaho. According to the records and files of the Court, the above named parties and/or their attorneys had notice of the mandatory settlement conference, as evidenced by the certificate of mailing. The *Order* was also posted on the SRBA Docket Sheet on March 7, 2000. The mandatory settlement conference was held at the scheduled time and place. The following parties were present:

Young Harvey Walker; Mitchell Sorenson; G. David Nelson, Partick Brown, Esq., representing Mr. Nelson and Mountain Springs Ranch; Shane Rosenkrance, manager for Mountain Springs Ranch; Tom Coates, assistant to Mr. Brown; Wiley Smith; Harriet Hensley, Esq., Deputy Attorney General, State of Idaho.

Also present at the mandatory settlement conference was IDWR, represented by Susan Hamlin-Nygaard, Esq., Deputy Attorney General, and Carter Fritschle, Senior Water Rights Supervisor.

During the mandatory settlement conference, the parties in attendance reached an agreement as to certain issues regarding the Basin-Wide 5-34 issue previously designated as the “separate streams” issue. See *Settlement Conference Report*, Subcase 91-00005-34 (May 12, 2000).

## ORDER TO SHOW CAUSE

Therefore, IT IS HEREBY ORDERED that the “Parties Not Present” have the opportunity to appear before this Court on **Thursday, June 22, 2000, at 10:00 a.m.** (See **Amendment to Order to Show Cause, issued May 26, 2000, which reset the time to 1:30 p.m.**) at the **Freemont County Courthouse located in St. Anthony, Idaho**, to show

cause why each should not be bound by the agreement reached at the mandatory settlement conference because of their failure to appear at the aforementioned time and place scheduled for the mandatory settlement conference.

**Attendance at this show cause hearing is not mandatory and failure to appear will not result in contempt of court. However, “Parties Not Present” who fail to appear at said hearing will be deemed to have consented to the terms of the stipulation reached as a result of the mandatory settlement conference and will be bound by those terms.**

The “Parties Not Present” are 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* shall be served upon the “Parties Not Present,” not less than five (5) days prior to the date herein shown, upon which those parties are required to appear before this Court and show cause. Service of this *Order to Show Cause* shall be made in accordance with I.R.C.P. 5(b) and 6(c)(2).

A copy of this *Order to Show Cause* shall also be served on those parties who attended the mandatory settlement conference.

IT IS SO ORDERED:

DATED: \_\_\_\_\_.

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BARRY WOOD  
Administrative District Judge and  
Presiding Judge of the  
Snake River Basin Adjudication