

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)

Case No. 39576)

A.

Subcase

22-13853

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Michael Reid

Address:

PO Box 801

Victor ID 83455

Daytime Phone:

208 354 8024

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

Rex Miller

Address:

PO Box 532

Driggs ID 83422

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: see attached letter
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** see attached

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Teton)

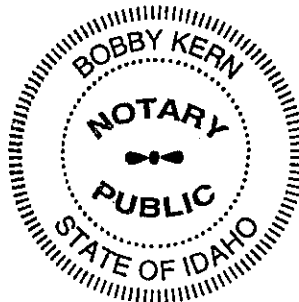
Michael Reid, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

MIL Reid
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: _____



Bobby Kern
Notary Public for State of Idaho
Residing at: Adabo Falls ID
My Commission Expires: 9-12-2014

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on November 3, 2008, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Rex Miller

Address: PO Box 532
Driggs ID 83422

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

MIL [Signature]
Signature of objector or attorney
mailing on Objector's behalf

November 1, 2008

To Whom It May Concern:

This letter is to accompany my protest of how Rex Miller's water rights were recommended. As far as I can tell, this involves the following rights:

22-12714 belonging to Susan Aldeen. Not protested but may need clarification.
22-13853 belonging to Rex Miller
22-13854 and 22-13586 belonging to Richardson Family Properties, LLC
22-13509 belonging to the Fred Miller Trust

Rex Miller's combined claim sourcing the Miller right (#22-405) and the Withrick right (#22-587) failed to account for the water that was being used. There are perhaps many reasons for this including the inability to file on the Miller right due to the mistaken POU referenced by the decree, and the inability to know what 1/4 of the creek is in cfs.

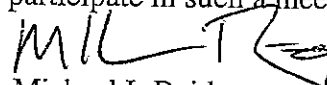
In his typed account of the water rights on Paradise Springs and Paradise Creek, Trent Galbraith who was the examiner notes under 22-405 that "Rex Miller initially had 1 CFS of 22-405 and Don had the same."

In Mr. Galbraith's notes about 22-587, he states "7.2 acres of SWSE Sec 19 T4N R45E has been recommended to John Collins (now Aldeen). The remainder of SWSE has been recommended to Rex Miller." No such recommendation can be found for Rex Miller.

The 33 acres that Rex owned, now owned by Richardson Family Properties, LLC, that was part of the Withrick homestead and was irrigated under the Withrick right (1/4 undivided of Paradise Creek) was never acknowledged in the final recommendation. In my opinion, Rex owned 1/16 undivided of Paradise Creek for the SWSE. Rex also owned 1 CFS of the Miller right that has been used on the west side of Cedron road, mostly in Section 19. Mr. Galbraith contemplates this at the end of his account of right 22-405. He states, "He owns 1.0 CFS of 22-405 and did not claim any additional water from 22-587 although he owned land covered by that right." With that in mind, why didn't Mr. Galbraith contact Rex Miller and ask him why he wasn't claiming all the water he owned, or just fix it by recommending the correct quantity? In Section 30, next to Millers Pond, Rex also owns non-consumptive sub-irrigation rights for the wet area next to the pond and a non-consumptive right for the pond itself with a priority of 5-23-1901 the he has not filed for or that was recommended incorrectly. Richardson Family Properties owns .62 CFS for right 22-13854 which is from 22-405. The remainder of the Miller right belongs with the Fred Miller Trust land where the water was used.

With regard to right 22-13509, Mr. Galbraith incorrectly chooses 1960 from Chester Miller's notarized statement as the first time water was applied to that quarter-quarter. Actually, flood irrigation reached the lower aspects of that property, but as Chet states, they were not able to get flood irrigation to the northeast corner. That corner was not irrigated until pumping began in 1960. A more accurate filing of 22-13509 might include .28 CFS with a 5-23-01 priority and .42 CFS with a 1960 priority date.

The record clearly reflects the situation which I have described above. There is no reason I know of not to adjudicate the rights above as I have stated. The most productive thing I can think of would be to have a meeting between Rex Miller and IDWR and try to sort out the entire situation. If it's desired, I would be happy to participate in such a meeting.


Michael L Reid

November 1, 2008

To Whom It May Concern:

Please accept this late protest of the following rights:

22-13853 belonging to Rex Miller
22-13854 and 22-13586 belonging to Richardson Family Properties, LLC
22-13509 belonging to the Fred Miller Trust

Prior to the start of the SRBA examination of Paradise Springs water rights, I wrote a letter to IDWR asking for full investigation of Paradise Springs claims as I knew that many were incorrect. I appreciated the vigorous investigation this brought on my own rights, and hoped that everyone was receiving such treatment. In addition, on several occasions I answered questions and generally discussed specific claims with the examiner, Mr. Galbraith, including these claims. Apparently I should have fully investigated every recommendation to make sure, but I had every reason to believe that Mr. Galbraith at least understood the situation with regard to the Miller right and would recommend it correctly.

In his own account, Mr. Galbraith describes that Rex Miller owns 1 CFS of 22-405 and a portion of 22-587 but then fails to award Rex Miller what he owns, and also failed to recognize that a portion of the Fred Miller Trust land was irrigated by flood irrigation under right 22-405.

I have no interest other than to see the rights on Paradise Springs recommended correctly.

A handwritten signature in black ink, appearing to read "MILTR" followed by a stylized flourish or arrow pointing to the right.

Michael L Reid