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FEB 20 2009

DEPARTMENT OF
WATER RESOURCES

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 No. 22-11639
)
)

Case 39576

) MOTION TO SET ASIDE
) PARTIAL DECREE AND ALLOW THE
) FILING OF A LATE OBJECTION

Just prior to January 1, 2009, I received a partial decree for my claim, water right number 22-11639. I called Michael Holliday to ask him if this had been decreed as additional water on top of my other rights. It appears to both he and I that this is the case, and that it has been recommended as additional water to my other claims.

This is not correct. This claim was filed by Don LeRoy Miller in an attempt to quantify the water use that had been going on here on his and my properties. When he arrived to file on the JJ Miller right, #22-405, the IDWR claims assistant did not allow him to file on the Miller right as it was misdecreed onto another piece of land entirely. What Don Miller had as evidence that day was electrical records proving that a pump was permanently installed in 1969 to irrigate lands on his place and mine. The IDWR claims assistant assigned a priority date of 1969 to this right for lack of any other evidence and Don let it go at that.

The truth is, that beginning in the late 1950's, a tractor pump was used to irrigate much of the original JJ miller homestead. In 1963 a permanent electrical pump was installed to irrigate the north half of that homestead, leaving the tractor pump to run as necessary on Don's and my properties. In 1969, a permanent electrical pump was installed to irrigate Don's and my properties.

All of the pumping that was done onto the JJ Miller homestead was done with water right 22-405, decreed to JJ Miller for the lands he filed on on 5-23-1901. Only a small, 8 acre piece in the NW of the NW of Section 30, T4N R45E, qualifies for a new water right, and actually I always thought of this as a small expansion of the Miller right.

I explained this all to Trent Galbraith but there must have been some misunderstanding, both on my part and his. Because of this misunderstanding, I must ask the court to disallow my claim to right 22-11639. The only water ever used on my place was from 22-405, and my other claims cover this.

MILREID

Michael L Reid

2-15-09

(208) 354 8024

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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)

A.)

Subcase 22-11639

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Michael Reid

Address: 550 S 450 W

Victor 83455

Daytime Phone: 208 354 8024

Name & Address of Attorney, if any:

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

Name: Michael Reid

Address: 550 S 450 W

Victor 83455

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: _____
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 letter

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 2-18-09, 2009, 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: Michael Reid
Address: 5505 450 W
Victor 83455

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

MIC REID
Signature of objector or attorney
mailing on Objector's behalf

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Teton)

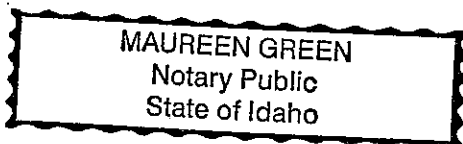
Michael L Reid, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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: February 17, 2009



Maureen Green
Notary Public for State of Idaho - Teton Co
Residing at: Teton Co
My Commission Expires: 03/05/14