

OCT 20 2011

DEPARTMENT OF
WATER RESOURCESIN 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 NUMBER 39576

Motion to Stay order;
Motion to Amend claim
SUBCASE 22-13583 et al

On October 12th, 2011, Michael Reid withdrew from the settlement agreement that governs the Miller Right, 22-405, and it's progeny. Although most of the structure of that agreement can remain in place if parties can agree, right #22-13583 needs to be amended to reflect changes in the agreements about 22-405 and its progeny. To make things simple, the water that was to be decreed under 22-13212 should revert to its original owner, and be a part of right 22-13583. This would change the diversion rate from 0.29 cfs to 0.69 cfs for right 22-13583. In light of the testimony at the Reid trial and the modified settlement agreement, I protest allowing a partial decree of right 22-13583 to continue without allowing the owner to file an amended claim for 0.69 cfs. I know that some deadlines concerning the original settlement and filing of amended claims has past; however, considering the recent dissolution of the original agreement and the terms of the new agreement, the owner of 22-13583 would be denied his rights if not allowed to amend his diversion rate to reflect the terms of the most recent agreement.

During the hearing concerning these rights and this agreement on October 12, 2011, I said that I believed that most of the rest of the agreement could stand and that I knew no reason that I wouldn't sign on to the agreement as it had been crafted. After that hearing, upon discussing the possible procedural issues that would happen, it became apparent to me that I couldn't sign on to any of the agreement until right 22-13583 had been made whole. At this time, I do not agree or stipulate to any of the agreements concerning 22-405 and I am willing to litigate the cases I protested unless 22-13583 can be made whole. I therefore ask the Special Master to stay her scheduled order to show cause on the other rights associated with this case.


Michael Reid

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