

RECEIVED

NOV 14 2011

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 10 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.: 22-11639, 22-13509,
	)	and 22-13854
_____	)	

A Status Conference was held for these subcases on October 12, 2011. At the hearing, the Court discussed the need to complete these subcases. The parties explained that the subcases were thought to be resolved, but that Michael Reid had not attended past hearings. The *SF5* settlement documents lacked his signature and the signatures of Stephen and Joy Reid.

IDWR reported to the court that *Standard Forms 5* were mailed to Michael Reid and Stephen and Joy Reid, but they have not been returned.

The Court noted that Mr. Reid failed to attend the Status Conference on September 21, 2011. Stephen and Joy Reid have not attended hearings on September 21, 2011 and July 6, 2011. Mr. Reid stated on the record that he agreed to the *SF5* for 22-13854 and had signed it and mailed it. Mr. Reid stated that he agreed with the *SF5* for 22-11639, but was waiting for Stephen and Joy Reid to sign. Mr. Reid stated he had not received the *SF5* for 22-13509.

Therefore, IT IS HEREBY ORDERED, pursuant to I.R.C.P. 6(c)(2) and I.R.C.P. 6(c)(4) that Michael Reid and Stephen and Joy Reid shall appear at a Show Cause Hearing to determine why these rights should not be recommended consistent with the attached proposed *Standard Forms 5*.

DATE:	December 7, 2011
TIME:	11:00 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 clerk's office at (208) 736-3011.

Michael Reid and Stephen and Joy Reid 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 and Summons to Appear* shall be served upon Michael Reid and Stephen and Joy Reid 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).

The court has received Michael Reid's *Motion to Stay Order, Motion to Amend Claim* in Subcase 22-13853 and shall take up that *Motion* prior to taking up this *Order to Show Cause*.

APPEARANCE AT THIS HEARING IS MANDATORY. FAILURE TO APPEAR AT THIS HEARING MAY RESULT IN THESE WATER RIGHTS BEING RECOMMENDED CONSISTENT WITH THE ATTACHED PROPOSED STANDARD FORMS 5.

Dated: November 10, 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 November 10, 2011, with sufficient first-class postage to the following:

DANIEL D MILLER
DAVID W MILLER
LARRY J MILLER
LEWIS J MILLER
M PHILLIP MILLER
RALPH P MILLER
RICHARDSON FAMILY PROPERTIES
RONALD K MILLER

Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

CEDRON CEMETERY DISTRICT
CEDRON IRRIGATION LLC
MAHOGANY RANCH HOLDINGS
RAINBOW RANCHES INC
TETON RAINBOW RANCHES INC
TREES INC
WALLY JR ROTHGEB
WALLY ROTHGEB JR

Represented by:
THOMAS J BUDGE
201 E CENTER ST
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

MICHAEL REID
PO BOX 801
VICTOR, ID 83455
Phone: 208-354-8024

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

LARELL A KUNZ
4346 W 5250 S
VICTOR, ID 83455
Phone: 208-354-2554

JOY M REID
MICHAEL L REID
MICHAEL REID
STEPHEN D REID
550 S 450 W
VICTOR, ID 83455
Phone: 208-354-8024

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 No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:
Michael Reid

CLAIMANTS:
Stephen D. Reid

Pro Se Date

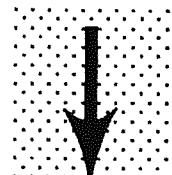
Pro Se Date

Joy M. Reid

Pro Se Date

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

INITIAL
HERE



RIGHT NUMBER: 22-11639

NAME AND ADDRESS:

JOY M REID
550 S 450 W
VICTOR ID 83455

MICHAEL L REID
PO BOX 801
VICTOR ID 83455

STEPHEN D REID
550 S 450 W
VICTOR ID 83455

SOURCE:

Source:

PARADISE SPRING
PARADISE CREEK

Tributary:

TETON RIVER

QUANTITY:

0.190 CFS

0.590 CFS

PRIORITY DATE:

07/21/1969

POINT OF DIVERSION:

T04N R45E S30 NENW
Within TETON County
T04N R45E S30 SWNENW
Within TETON County

MWR
1.125

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.190 CFS

0.590 CFS

PLACE OF USE:

IRRIGATION within TETON County

T04N R45E S30 SENW 35.6

35.6 ACRES TOTAL

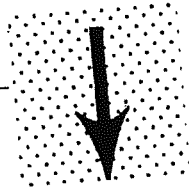
Right Nos. 22-11639 and 22-13212 are limited to the irrigation of a combined total of 35.6 acres in a single irrigation season.

This right is limited to the irrigation of 9.6 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 35.6 acres in a single irrigation season. Combined Right Nos. 22-11639, 22-13212, 22-13503

INITIAL
HERE

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW



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 - Beneficial Use

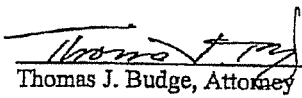
This right is a split from former right 22-4104.

MIN

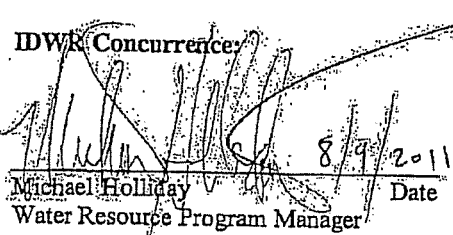
TJB

INTERVENORS:

Cedron Irrigation LLC
Cedron Cemetery District
Trees Inc
Rainbow Ranches Inc.


Thomas J. Budge, Attorney
8-11-2011
Date

IDWR Concurrence:


Michael Holliday
8/9/2011
Water Resource Program Manager
Date

Andrea Courtney
Deputy Attorney General
Attorney for IDWR
Date

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. 22-13509
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS/OBJECTORS:

David W. Miller
Larry J. Miller
Ralph P. Miller
M. Phillip Miller
Lewis J. Miller
Daniel D. Miller
Ronald K. Miller

OBJECTORS:

Michael Reid

Robert L. Harris 9/21/2011
Robert L. Harris, Attorney Date

Pro Se

INTERVENORS:

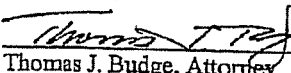
Cedron Irrigation LLC

Cedron Cemetery District

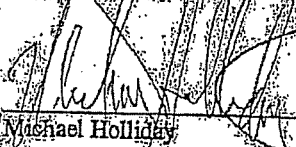
Trees Inc

Teton Rainbow Ranches Inc

Wally Rothgeb Jr


Thomas J. Budge, Attorney
8-11-2011
Date

IDWR Concurrence:


Michael Holliday
8/11/2011
Date
Water Resource Program Manager

Andrea Courtney
Deputy Attorney General
Attorney for IDWR
Date

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13509
NAME AND ADDRESS:

DANIEL D MILLER
C/O RONALD K MILLER
707 ROOSEVELT
AMERICAN FALLS ID 83211

DAVID W MILLER
C/O RONALD K MILLER
707 ROOSEVELT
AMERICAN FALLS ID 83211

LARRY J MILLER
C/O RONALD K MILLER
707 ROOSEVELT
AMERICAN FALLS ID 83211

LEWIS J MILLER
C/O RONALD K MILLER
707 ROOSEVELT
AMERICAN FALLS ID 83211

M PHILLIP MILLER
C/O RONALD K MILLER
707 ROOSEVELT
AMERICAN FALLS ID 83211

RALPH P MILLER
C/O RONALD K MILLER
707 ROOSEVELT
AMERICAN FALLS ID 83211

RONALD K MILLER
707 ROOSEVELT
AMERICAN FALLS ID 83211

SOURCE: Source:
PARADISE SPRING

Tributary:
TETON RIVER

QUANTITY: 0.510 CFS

~~0.160-CFS~~

PRIORITY DATE: 06/01/1904

POINT OF DIVERSION:
T04N R45E S30 NENW
Within TETON County

PURPOSE AND PERIOD OF USE:	Purpose of use:	Period of use:	Quantity:
	IRRIGATION	04/15 10/31	<u>0.510 CFS</u> ~~0.160-CFS~~

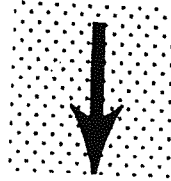
INITIAL
HERE



[Handwritten signature]

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

INITIAL
HERE



PLACE OF USE:

IRRIGATION within TETON County

T04N R45E S19 NE5W 35.0

T04N R45E S19 NE5W 5.5

35 ACRES TOTAL

5.5 ACRES TOTAL

Right Nos. 22-13509 and 22-13999 are limited to the irrigation of a combined total of 35 acres in a single irrigation season.

This right is limited to the irrigation of 25.5 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This water right shall not be permitted to make a delivery call against water right nos. 22-13135, 22-13961, 22-13962, 22-13963, 22-13964, 22-2280E, 22-2296B, 22-2296D, and 22-13681, and their progeny.

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 - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

The following rights are diverted through point of diversion described above: 22-12714B, 22-13509, 22-13586, 22-13853, 22-13854, 22-13997, 22-13998, and 22-13999.

This right is a split from former right 22-405.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

[Handwritten signature]
[Handwritten initials]

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. 22-13854
)
)
)

Case No. 39576

) STANDARD FORM 5
)
)
)

) STIPULATED ELEMENTS OF A
) WATER RIGHT
)

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Richardson Family Properties, LLC

Robert L. Harris 9/21/2011
Robert L. Harris Date
Attorney for Claimant

OBJECTOR(s):

Michael Reid

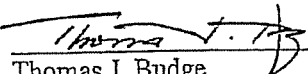
Date

Larell A. Kunz

Date

INTERVENOR(s):

Cedron Irrigation, LLC
Cedron Cemetery District
Teton Rainbow Ranches
Wally Rothgeb
Trees, Inc.

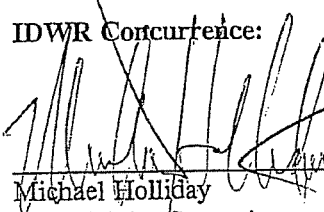

Thomas J. Budge

Date

8-11-2011

Attorney for Intervenor

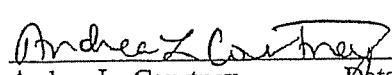
IDWR Concurrence:


Michael Holliday

Water Rights Supervisor

Date

9/19/2011


Andrea L. Courtney

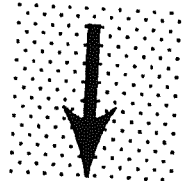
Date

Deputy Attorney General
Attorney for IDWR

8/5/11

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

INITIAL
HERE



RIGHT NUMBER: 22-13854
NAME AND ADDRESS:

RICHARDSON FAMILY PROPERTIES LLC
PO BOX 469
VICTOR ID 83455

SOURCE: Source: PARADISE SPRINGS

Tributary: TETON RIVER

QUANTITY: 0.240 CFS

~~0.360 CFS~~

AK

PRIORITY DATE: 06/01/1904

TJS
red *AK*

POINT OF DIVERSION:

T04N R45E S30 NENW
Within TETON County

~~T04N R45E S30 NENENW~~
~~Within TETON County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.240 CFS

~~04/15-10/15~~

~~0.360 CFS~~

PLACE OF USE:

IRRIGATION within TETON County

T04N R45E S19 SWSE 31.0

~~T04N R45E S19 SWSE 33.0~~

31 ACRES TOTAL

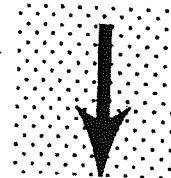
~~33 ACRES TOTAL~~

This right is limited to the irrigation of 17 acres within the place of use described above in a single irrigation season.

Right Nos. 22-13854 and 22-13998 are limited to the irrigation of a combined total of 31 acres in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

INITIAL
HERE



ATN

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This water right shall not be permitted to make a delivery call against water right nos. 22-13135, 22-13961, 22-13962, 22-13963, 22-13964, 22-2280E, 22-2296B, 22-2296D, and 22-13681, and their progeny.

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 - Decreed

The following rights are diverted through point of diversion described above: 22-12714B, 22-13509, 22-13586, 22-13853, 22-13854, 22-13997, 22-13998, and 22-13999.

This right is a split from former right 22-587.

~~This right is a split from former right 22-13585.~~

~~This right is a split from former right 22-12714B, parent right 22-405 and 587.~~

TSB

22-13854 MWA