

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB 23 2012	
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	)	
	)	
Case No. 39576	)	ORDER SETTING DEADLINE AND
	)	CONTINUED MOTION TO AMEND
	)	HEARING
	)	
	)	SUBCASE NO.: 22-13853
_____	)	

An *Amended Director's Report* was filed for this water right on February 28, 2011 and a *Notice of Completed Administrative Proceeding* was filed April 6, 2011. No *Objections* were filed to the *Amended Director's Report* or the *NCAP*. A *Motion to Amend Claim* was filed by Michael Reid, and joined in orally by the claimant Rex Miller. The court denied the *Motion*, but set an additional hearing to allow Mr. Miller to seek an amended claim after he had additional information. Subsequently, Michael Reid filed a *Motion for Late Objection*. However, he did not attach a proposed *Objection* form or provide "good cause" for the untimeliness of the objection or establish a meritorious position. At the hearing on February 22, 2012 the court **denied** the *Motion for Late Objection*.

The court noted that Rex Miller had not filed a *Motion to Amend Claim*. Mr. Miller did not attend the February 22, 2012 hearing. However, Michael Reid represented to the court that Mr. Miller had recently suffered a stroke for which he is currently hospitalized. Mr. Reid asked the court to consider Mr. Miller's medical condition and allow additional time for him to work on an amendment. IDWR confirmed that Mr. Miller had contacted agent Michael Holliday to work on the amendment, but had not completed an amended claim. Therefore, the court will schedule additional deadlines to allow Mr. Miller to hire an attorney if he wishes to proceed with counsel, and to file written motions to amend his claim.

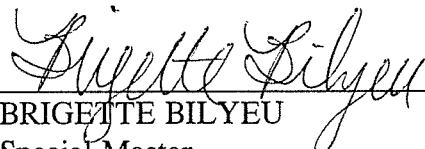
Please be advised that Special Master Brigitte Bilyeu has set the following dates in the above subcase:

March 22, 2012	5:00 pm	Deadline to file Written Amended Claim
March 22, 2012	5:00 pm	Deadline for Notices of Appearance for Rex Miller if he desires to obtain counsel.
April 4, 2012	2:00 pm	<u>Continued Motion to Amend Claim</u> Location: Snake River Basin Adjudication 253 3 rd Ave. North Twin Falls, Idaho 83301

PLEASE BE ADVISED THAT THE COURT INTENDS TO PROCEED WITH A MASTER'S REPORT AND RECOMMENDATION CONSISTENT WITH THE AMENDED DIRECTOR'S REPORT AND NCAP IF NO MOTION TO AMEND CLAIM IS FILED.

Parties may participate by telephone for the Continued Motion by dialing 1-215-446-0193 and when prompted enter participant code 926509#. Any questions regarding telephone participation, please contact the Clerk's office at (208) 736-3011.

Dated: February 23, 2012.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING DEADLINE AND CONTINUED MOTION TO AMEND HEARING was mailed on February 23, 2012, with sufficient first-class postage to the following:

CC: CEDRON IRRIGATION LLC
CC: MAHOGANY RANCH HOLDINGS
CC: SHIVER, AL
CC: TETON RAINBOW RANCHES INC
CC: TREES, INC

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