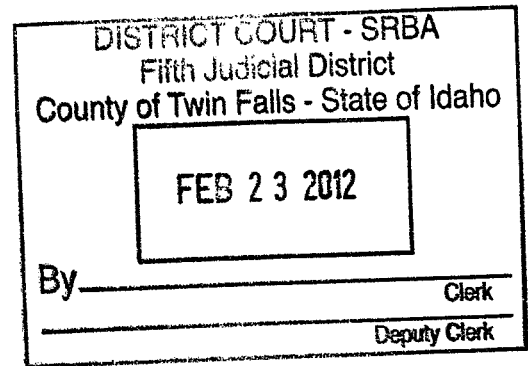




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	
	)	
Case No. 39576	)	ORDER DENYING MOTION TO
	)	ALTER OR AMEND SPECIAL
	)	MASTER'S REPORT AND
	)	RECOMMENDATION
	)	
	)	SUBCASE NO.: 22-13211

A *Special Master's Report and Recommendation on Motion to Set Aside Partial Decree* was issued on November 10, 2011. A *Motion to File Late Objection* was filed by Michael Reid on December 21, 2011. The *Motion* was treated as a *Motion to Alter or Amend Special Master's Report and Recommendation*. A hearing on the *Motion* was held on February 22, 2012.

Mr. Reid argued that the *Special Master's Report and Recommendation on Motion to Set Aside Partial Decree* should be altered or amended, even though it reflects the elements of the *Standard Form 5* signed by all the parties. Mr. Reid argued that the *Standard Form 5* was part of a global settlement of rights on Paradise Springs which he believes has fallen apart. Therefore, Mr. Reid asked that the *Master's Report* be altered or amended or that he be allowed to file a late objection.

The *Motion to File Late Objection* did not include an attached *Objection* form, nor did the movant set forth "good cause" for the untimeliness of an *Objection*. This subcase has long been understood by the parties to be one of the water rights on Paradise Springs. In addition, no "meritorious position" was alleged since there was no attached *Objection* form. Therefore, the *Motion to File Late Objection* is **denied**.

Furthermore, even if there is a global settlement which involves this subcase, the *Master's Report* was based on a *Standard Form 5* which has independent significance. When an *SF5* is filed for a water right, it generally binds the parties. Here, all signators to the *SF5*, except

the claimant Don Leroy Miller, appeared and indicated that they continue to agree with the SF5. Therefore, the *Motion to Alter or Amend* is **denied**.

Considering arguments and the record on file, the *Motion to File Late Objection* and the *Motion to Alter or Amend* are both **denied**. Therefore, water right 22-13211 should be **decreed** as set forth in the *Special Master's Report and Recommendation on Motion to Set Aside Partial Decree*. An amended partial decree should issue.

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 DENYING MOTION TO ALTER OR AMEND SPCIAL MASTER'S REPORT AND RECOMMENDATION was mailed on February 23, 2012, with sufficient first-class postage to the following:

CEDRON CEMETERY DISTRICT
CEDRON IRRIGATION LLC
TETON RAINBOW RANCHES INC
TREES INC
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