

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 13 2012

By _____ Clerk

Deputy Clerk

WATER RIGHT NOS.: 22-13585 and 22-13853

However, the *Motion* did not include an attached *Amended Notice of Claim* for the court to evaluate. Therefore, the court asked about which elements Mr. Miller wanted to amend. Mr. Miller said he should increase his acreage, but did not know how the acreage or diversion rate should be changed. The court denied the motion **without prejudice** since the claimant did not know how he wished to amend his claim.

In order to assist the claimant, the court set a hearing for a renewed *Motion to Amend Claim* to elicit additional information about the claim. *See, Order Denying Motion to File Amended Claim and Setting Hearing* (Dec. 29, 2011). Mr. Miller did not attend the subsequent hearing on February 22, 2012. At the hearing, Michael Reid explained that Mr. Miller had suffered a stroke and was hospitalized. The court again set a deadline for an amended claim to be filed, established a deadline for Mr. Miller to obtain counsel, and scheduled a third hearing on a *Motion to Amend Claim*. In the meantime, Mr. Reid filed a *Motion for Late Objection* on February 21, 2012. The Court **denied** the *Motion for Late Objection* and set additional deadlines and hearing dates. *See, Order Setting Deadline and Continued Motion to Amend Hearing* (Feb. 23, 2012).

After that *Order* was issued, Mr. Reid filed an *Objection to Amended Director's Report* for 22-13853. A hearing was held on April 4, 2012 for the *Continued Motion to Amend Claim* and for the second *Motion for Late Objection*. Rex Miller did not attend the hearing. The Court noted that Mr. Miller had not filed a *Motion to Amend Claim*. In addition, Mr. Miller did not obtain counsel prior to the hearing. Mr. Miller has not contacted the court nor has anyone from his family contacted the court or indicated whether he intends to pursue any motions related to this claim.

The *Motion for Late Objection* was **denied** in part because it related to an amended claim which was never filed by Mr. Miller. *See, Order on Motion to File Amended Claim; Order Denying Motion to File Late Objection* (April 11, 2012). Consequently, there are no unresolved objections remaining in subcase 22-13853. Water Right 22-13853 will be recommended consistent with the *Amended Director's Report* (Feb. 28, 2011) and the *Notice of Completed Administrative Proceeding* filed on April 6, 2011.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 22-13585

not be confirmed in any partial or final decree. IT IS FURTHER RECOMMENDED that water right 22-13853 be **decreed** with the elements as set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: April 13, 2012.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 13 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 22-13853

NAME AND ADDRESS: CHESTER H MILLER
PO BOX 532
DRIGGS, ID 83422

REX H MILLER
PO BOX 55
FILER, ID 83328

SOURCE: PARADISE SPRINGS TRIBUTARY: TETON RIVER

QUANTITY: 0.29 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

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 TO 10-31	0.29 CFS
	Stockwater	04-15 TO 10-31	0.02 CFS

PLACE OF USE: Irrigation Within Teton County
T04N R45E S19 SESW 5.4
S30 NENW 11.1
16.5 Acres Total

Stockwater ; Within Teton County
Same as Irrigation

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

The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

APR 13 2012

Eric J. Wildman
SPECIAL MASTER

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED
APR 16 2012
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 13 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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 22-13585
22-13853

On April 13, 2012, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED April 13, 2012.



JANET CONNELL
Deputy Clerk

RECEIVED
APR 16 2012
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 13 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)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 22-13585
22-13853

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on April 13, 2012, with sufficient first-class postage prepaid to the following:

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

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

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

CHESTER H MILLER
REX H MILLER
PO BOX 532
DRIGGS, ID 83422

CERTIFICATE OF MAILING

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04/13/12

REX H MILLER
PO BOX 55
FILER, ID 83328

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



JANET CONNELL
Deputy Clerk