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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 31 2013	
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 DISMISSING PARTY**
)
)
) **SUBCASE NOS.: 22-13853**
)

I. PROCEDURAL BACKGROUND

This water right was claimed by Rex and Chester Miller. Ranae Miller was later added as a party. (The Millers later transferred property and this water right to Rick and Betty Miles.) The *Director's Report* was filed in root right 22-13585 and split by a *Notice of Completed Administrative Proceeding*. (June 5, 2008) Michael Reid filed a late *Objection* in 2008. An *Amended Director's Report* was filed for this water right on February 28, 2011. A *Notice of Completed Administrative Proceeding (NCAP)* was filed on April 6, 2011 changing the address of the claimants. A *Second Amended Director's Report* was later filed in 2012.

Michael Reid did not file an *Objection* to the *Amended Director's Report*. Michael Reid filed a *Motion to File Amended Notice of Claim* on October 24, 2011. The *Motion to File Amended Notice of Claim* was **denied**. See, *Order Denying Motion to File Amended Claim and Setting Hearing* (Dec. 29, 2011). Mr. Reid then 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). The *Order* noted that Mr. Reid did not attach a proposed *Objection* form, establish a meritorious position or provide "good cause" for the untimeliness of the objection. Thus the court **denied** the *Motion for Late Objection*.

Michael Reid later filed a *Motion to File Late Objection* which appeared to relate to a possible amended claim to be filed on behalf of Rex Miller. This second *Motion to File Late Objection* was also denied because Mr. Reid did not make a showing of "good cause" for the

untimeliness of the proposed *Objection* and did not make a showing of a “meritorious position.” See, *Order on Motion to File Amended Claim; Denying Motion to File Late Objection* (April 11, 2012). In sum, Mr. Reid did not file a valid *Objection* to the *Amended Director’s Report*.

On April 13, 2012, the Court issued a *Special Master’s Report and Recommendation* for water right 22-13853 because there were no unresolved objections to the *Amended Director’s Report*. Subsequently, the SRBA District Court issued an *Order of Reference* (June 27, 2012) asking this Special Master to consider the “Paradise Springs Settlement” which incorporated some changes to subcase 22-13853. The Court set deadlines for an *Amended Claim* to be filed for 22-13853. An *Amended Notice of Claim* was filed on July 30, 2012. A *Second Amended Director’s Report* was filed October 29, 2012. Cedron Irrigation, LLC, Teton Rainbow Ranches, Inc., and Trees Inc. filed *Objections* to the *Second Amended Director’s Report*. Mr. Reid did not file an *Objection* to the *Second Amended Director’s Report*. In the SRBA, parties to each subcase include the claimant, and any objector or respondent to the water right recommendation. *AOI*, § 2.p In addition, a party to the SRBA may seek leave to participate by filing a timely *Motion to Participate*.

II. FINDINGS

In this subcase, Mr. Reid filed an *Objection* in 2008 to the *Director’s Report*. Mr. Reid did not file a valid *Objection* to the 2011 *Amended Director’s Report*. In addition, Mr. Reid did not file an *Objection* to the 2012 *Second Amended Director’s Report*. Thus, Mr. Reid is not the claimant, and is not a current objector or respondent to the *Second Amended Director’s Report*. In general, once an *Amended Director’s Report* is filed, parties must file responsive pleadings such as an *Objection* or *Response* to remain as a party. Since Mr. Reid did not file a responsive pleading to the *Second Amended Director’s Report*, it is appropriate to dismiss Mr. Reid as a party to this subcase.

Therefore, IT IS ORDERED that Michael Reid is dismissed as a party to subcase 22-13853. Consequently, an *SF5* which is signed by the remaining parties to this subcase shall be sufficient to resolve the matter.

Dated: January 31, 2013.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DISMISSING PARTY was mailed on January 31, 2013, with sufficient first-class postage to the following:

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