

Charles L. Honsinger (#5240)
 Ringert Clark, Chartered, LLP
 P.O. Box 2773
 Boise, ID 83702
 (208)342-4591

Attorneys for Objector Hal Anderson

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 NUMBER 43-10812

Case No. 39576

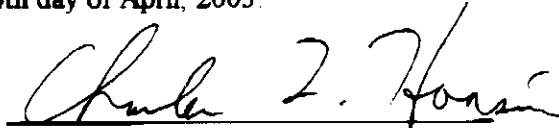
MOTION TO FILE LATE OBJECTION

MOTION

COMES NOW SRBA Claimant and Objector Hal Anderson, by and through his attorneys of record, Ringert Clark, Chartered, and hereby files this Motion to File Late Objection to the recommendation of water right number 43-10812 claimed in the SRBA by Harris Agriculture. This motion is filed pursuant to I.R.C.P. 7(b). The grounds for this motion are that Mr. Anderson has good cause pursuant to the standards of I.R.C.P. 55(c) for not having filed his objection earlier, and that it is essential to the final determination of water rights held by both Mr. Anderson and by Harris Agriculture that water right no. 43-10812 be a part of this litigation. A copy of the Objection that Mr. Anderson seeks to file is attached hereto as Exhibit "A". The water right is already included on the caption of Orders issued by the SRBA District Court as an uncontested water right which overlaps water rights that are the subject of subcases in which the parties are already involved. Thus, it will not come as a surprise to any party that Mr. Anderson is seeking to object to this water right.

Pursuant to I.R.C.P. 7(b)(3), Mr. Anderson hereby notifies the Court and the parties that he will be filing a Memorandum in support of this motion within 14 days of the filing of this Motion, and that oral argument on this motion is requested thereafter.

Respectfully submitted this 24th day of April, 2003.



Charles L. Honsinger
Ringert Clark, Chartered

CERTIFICATE OF MAILING

I hereby certify that service of the within and foregoing Motion for Late Objection was made this 24th day of April, 2003, by faxing and mailing a copy thereof, postage prepaid, to each of the parties listed below.

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098
FAX: (208)327-5400

Randy Budge
Racine Olson Nye Budge & Bailey,
Chartered
P.O. Box 1391
Pocatello, ID 83204-1391
FAX: (208)232-6109

Peter and Sylvia Grush
2025 S. Highway 81
Malta, ID 83342
FAX: (208)645-2379

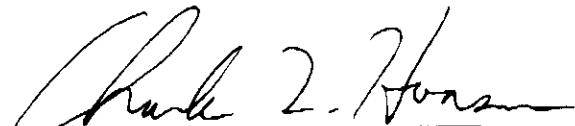

Person Serving Document

EXHIBIT A

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. 43-10812
	)	
Case No. 39576	)	
	)	STANDARD FORM 1
	)	OBJECTION
	)	

NAME AND ADDRESS OF PERSON OBJECTING

Name: Hal Anderson
Address: 727 Kensington St.
Farmington, UT 84025
Daytime Phone: (801) 232-2345

Name & Address of Attorney:

Charles L. Honsinger
Ringert Clark, Chartered
P.O. Box 2773
Boise, ID 93701

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: Harris Ag
Address: Box 1024
2655 E 1400 S
Malta, ID 83342

I object to the following elements as recommended in the Director's Report.

1. **X Name and Address**
Should be: Listed in the Name of Hal Anderson
2. **Source**
Should be:
3. **X Quantity**
Should be: 4.42 cfs
4. **Priority Date**
Should be:
5. **X Point(s) of Diversion**
Should be: Listed as Points of diversion on land owned by Hal Anderson
6. **Instream Flow Description**
Should be:
7. **Purpose(s) of Use**
Should be:
8. **Period of Year**
Should be:
9. **X Place of Use**
Should be: Listed as appurtenant to lands owned by Hal Anderson
10. **I object because:**

This water right should not exist.

This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING OBJECTION (S): A portion of the water that was recommended pursuant to this water right is appurtenant to lands owned by objector, and has historically been applied to beneficial use on those lands.

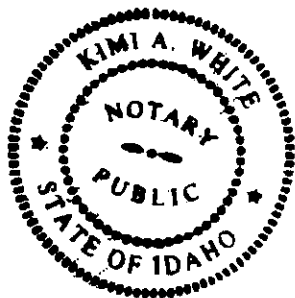
VERIFICATION

State of Idaho)
)
County of Ada)

Charles L. Honsinger, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Attorney signing in representative capacity)



Subscribed and sworn to before me
on: April 24, 2003



Notary Public for Idaho

Residing at: Boise, Idaho

My Commission Expires: 04/01/04

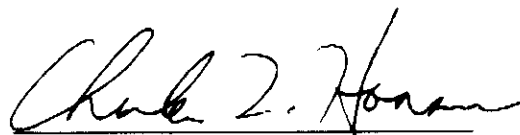
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Peter and Sylvia Grush
2025 S. Highway 81
Malta, ID 83342
FAX: (208)645-2379


Person Serving Document

**RINGERT CLARK CHARTERED
FAX COVER LETTER**

From: Daniel V. Steenson
Charles L. Honsinger
S. Bryce Farris
455 South Third Street
Boise, Idaho 83702
ph: (208) 342-4591
fax: (208) 342-4657

Time: Date: April 24, 2003

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Director

WITH: Idaho Department of Water Resources

CITY & STATE: Boise, Idaho

TELEPHONE NO.: (208) 327-7900

FAX. NO.: (208) 327-5400

SENDER: Charles L. Honsinger

WE ARE TRANSMITTING 8 PAGES (INCLUDING THIS COVER LETTER)

ADDITIONAL INFORMATION: