

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO

COPY



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

March 18, 1993

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

Harry DeHaan
Attorney at Law
317 Sixth Avenue North
Twin Falls, Idaho 83301

Dear Mr. DeHaan:

The court is returning the motion filed March 11, 1993.

Please file the motion using a standard form prepared by the court. I have included a Standard Form 4 for your use.

The court is presently circulating a draft of "Standard Form 4" for general comment. The essence of the form and the requirements to submit fully executed notice of claim forms, all statutory fees and a court filing fee will not be modified in the final draft.

I am also including a copy of SRBA Administrative Order 1 and a draft modification to this order, which instructs you as to who must be served and how to notice a hearing in the Snake River Basin Adjudication. You must follow these rules.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carolyn M. Minder", written over a horizontal line.

CAROLYN M. MINDER
Staff Attorney
Snake River Basin Adjudication

CMM/mac
Encls.

COPY

HARRY DE HAAN
Attorney at Law
317 6th Avenue North
Twin Falls, Idaho 83301
Telephone: (208) 733-0731
Fax: (208) 736-2029

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

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

In Re the General Adjudication
of Rights to the Use of Water
from the Snake River Basin
Water System

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,
Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System

CASE NO. 39576

SRBA ADMINISTRATIVE ORDER:

MOTION TO ALLOW LATE FILING
OF CLAIMS NUMBERS 34-00344,
34-00345, 34-00351,
34-00352, 34-00734, AND
34-00735

COMES NOW the Sally Johnson, by and through her counsel of
record, Harry De Haan and files this Motion for Late Filing based
on the following allegations:

That the property in question is owned by the Preston Price
Estate. The Personal Representative was appointed, Jim Phillips of
Hailey, Idaho who then resigned. The matter has been in litigation
since the 22nd day of June, 1991 and service by publication has
been necessary to obtain service on some of the heirs.

MOTION TO ALLOW LATE FILING OF CLAIMS - 1

The claimant, Sally Johnson, is a judgment creditor of the Preston Price Estate attempting to foreclose her judgment lien and collect by sheriff's sale monies to which she is entitled. The United States Government through Farmers Home Administration is attempting to foreclose its mortgage lien by and through the United States Attorney. The claimant, Sally Johnson, is also, by assignment, an heir of the Preston Price Estate. This land would be rendered virtually worthless without the water rights appurtenant thereto.

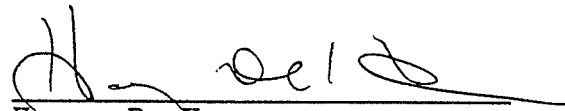
The United State Attorney has regularly represented that the Farmers Home Administration officials have filed the water claims necessary to perfect the water right appurtenant to this property. Sally Johnson, through her counsel, has reviewed the Directors Report of Basin 34 and found that no claims have been filed. However the director did discover the decreed rights pursuant to claim number 34-00351 and 34-00352 and filed a recommendation of non-approval of said claims since no water claim was filed. There are four (4) other claims, claim numbers 34-00344, 34-00345, 34-00734, and 34-00735, that are subject to this Motion which are also decreed rights appurtenant to this land. Claimant has filed an objection to the directors recommendation of non-approval and has filed this Motion for Permission to Late File a Claim on the other four (4) rights.

The water rights claimed are decreed water rights with a priority date of June 6, 1900 subject to a decree dated 1915 headed

"Utah Construction vs. Abbot" and the water has been applied beneficially since that period of time. The land would be decreased in market value 90% or 95% of its current fair market value and much to the detriment of the United States Government through Farmers Home Administration, judgment creditor, Sally Johnson and the heirs of the Preston Price Estate.

That this would not prejudice no one to allow the late filing and that there would be no prejudice to any party to allow this late filing and it would be in the interest of equity and advance the constitutional objective of maximizing the beneficial use of the waters of the State of Idaho.

DATED this the 10th day of March, 1993.


Harry De Haan
Attorney for Sally Johnson