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JAN 08 1993

1 Movant's Name:

OFFICE OF THE
ATTORNEY GENERAL

Billingsley Creek Ranch
and Donnie McFadden

2 Attorney's Name and Address:

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Department of Water Resources
Adjudication Bureau

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

11 In Re SRBA
Case No. 39576

) Subcase No. 36-07071

)
) BILLINGSLEY CREEK RANCH AND
) DONNIE MCFADDEN'S MOTION TO
) FILE LATE OBJECTION AND REQUEST
) FOR EXPEDITED HEARING

96-01-0008

16 DESCRIPTIVE SUMMARY

17 Billingsley Creek Ranch and Donnie McFadden (hereinafter collectively referred
18 to as "BCR") move the court for leave to file a late objection to Water Right Claim
19 No. 36-07071 filed by John W. Jones, Jr. (hereinafter "Jones").

20 MOTION

21 BCR hereby moves for leave to file a late objection to Water Right No. 36-07071
22 filed by Jones.

24 ARGUMENT

25 BCR claims water rights in this adjudication which may be adversely affected by
26 the aforementioned claim filed by Jones. On or about November 7, 1995, Jones placed
27 a call on the source of water claimed by both BCR and Jones. Correspondence with the
28 MOTION TO FILE LATE OBJECTION AND REQUEST FOR EXPEDITED
HEARING - 1

1 Idaho Department of Water Resources as recently as December 21, 1995, has alerted
2 BCR to the necessity of filing this Motion to File Late Objection due to issues of
3 forfeiture and adverse possession that BCR will assert against a portion of Water Right
4 No. 36-07071 claimed by Jones.
5

6 BCR intended to file necessary objections to all claims which it believed might
7 adversely impact its water rights. BCR conducted an extensive good faith investigation
8 into a number of water rights claimed in the general area of its property, but did not
9 identify the claim of Jones concerning Water Right No. 36-07071 prior to the deadline
10 for filing objections. The necessity for such objection became obvious when Jones filed
11 his call on the common spring water source on November 7, 1995.
12

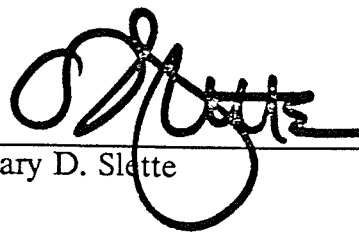
13 BCR has worked diligently to prepare the attached objection to such water right
14 so that it could be filed as quickly as possible. Jones has already objected to Water Right
15 No. 36-07071, and no prejudice will result to Jones if this Motion to File Late Objection
16 is granted. Therefore, BCR respectfully requests that the court grant its Motion to File
17 Late Objection.
18

19 EXPEDITED HEARING

20 BCR respectfully requests this court set an expedited hearing on this matter.

21 DATED this 4th day of January, 1996.

22 ROSHOLT, ROBERTSON & TUCKER

23
24
25 By: 

26 Gary D. Slette
27
28

1 CERTIFICATE OF MAILING FOR EXPEDITED HEARINGS

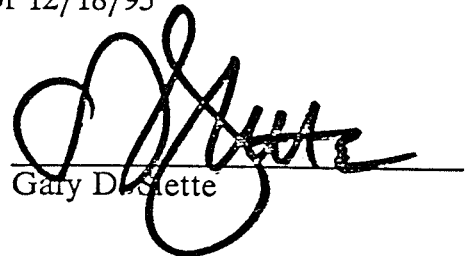
2 I hereby certify that on this 5th day of January, 1996, I served a copy of the
3 foregoing BILLINGSLEY CREEK RANCH AND DONNIE MCFADDEN'S MOTION
4 TO FILE LATE OBJECTION AND REQUEST FOR EXPEDITED HEARING, by
5 depositing same in the United States mail, postage prepaid, in an envelope, addressed
6 to the following:
7

8 Chief, Natural Resources Division
9 Office of the Attorney General
10 State of Idaho
11 P.O. Box 44449
12 Boise, Idaho 83711-4449

13 United States Department of Justice
14 Environment & Natural Resources
15 Division
16 550 West Fort Street, MSC 033
17 Boise, Idaho 83724

18 John W. Jones, Jr.
19 18048 U.S. Highway 30
20 Hagerman, ID 83332

21 Court Certificate of Mailing As Of 12/18/95

22 
23 Gary D. Slette

