

Office Of
Attorney General
State Of Idaho

ALLAN G. SHEPARD
Attorney General



Biennial Report
1 July, 1964 -- 30 June, 1966



ALLAN G. SHEPARD

Attorney General

State of Idaho

December 1, 1966

Hon. Robert E. Smylie
Governor, State of Idaho
Capitol Building
Boise, Idaho

Dear Governor Smylie:

Pursuant to statutory requirement I present for your consideration, and the consideration on the Thirty-ninth Session of the Legislature, the biennial report for the Office of Attorney General.

Respectfully submitted,

ALLAN G. SHEPARD

Attorney General

AGS/cb

encl.

ATTORNEYS GENERAL

George H. Roberts	1891-1892
George M. Parsons	1893-1894
George M. Parsons	1895-1896
Robert McFarland	1897-1898
S. H. Hays	1899-1900
Frank Martin	1901-1902
John A. Bagley	1903-1904
John Guheen	1905-1906
John Guheen	1907-1908
D. C. McDougall	1909-1910
D. C. McDougall	1911-1912
Joseph H. Peterson	1913-1914
Joseph H. Peterson	1915-1916
T. A. Walters	1917-1918
Roy L. Black	1919-1920
Roy L. Black	1921-1922
A. H. Conner	1923-1924
A. H. Conner	1925-1926
Frank L. Stephan	1927-1928
W. D. Gillis	1929-1930
Fred J. Babcock	1931-1932
Bert H. Miller	1933-1934
Bert H. Miller	1935-1936
J. W. Taylor	1937-1938
J. W. Taylor	1939-1940
Bert H. Miller	1941-1942
Bert H. Miller	1943-1944
Frank Langley	1945-1946
Robert Ailshie (Deceased November 16)	1947
Robert E. Smylie (appointed November 24)	1947-1950
Robert E. Smylie	1951-1954
Graydon W. Smith	1955-1958
Frank L. Benson	1959-1962
Allan G. Shepard	1963-1966

ATTORNEY GENERAL'S OFFICE

POSITION	NAME	TERMINATED
Attorney General	Allan G. Shepard	
Deputy Attorney General	R. Michael Southcombe	
Deputy Attorney General	Thomas G. Nelson	November, 1965
Deputy Attorney General	M. Allyn Dingel, Jr.	
Assistant Attorney General	Stephan W. Boller	September, 1965
Assistant Attorney General	James A. Scanlan	November, 1966
Assistant Attorney General	Richard Weston	March, 1965
Assistant Attorney General	William D. Collins	
Assistant Attorney General	Warren J. Felton	
Assistant Attorney General	David Allen Frazier	
Assistant Attorney General	Thomas C. Frost	
Assistant Attorney General	Larry D. Ripley	
Assistant Attorney General	Richard C. Russell	
Assistant Attorney General	John S. Simko	
Assistant Attorney General	Robert Parker Tunnicliff	
Assistant Attorney General	Weldon S. Wood	June, 1966
Assistant Attorney General	Roger B Wright	
Assistant Attorney General	William M. Smith	

Assistant Attorney General	Frank Powell	
Investigator	Matthew O'Rourke	
Legal Secretary	Letha Long Ryder	May, 1966
Legal Secretary	Ann Noll Troxell	December, 1965
Legal Secretary	Alice J. Jones	April, 1965
Legal Secretary	Judith L. Gibson	August, 1965
Legal Secretary	Lillian C. Fraser	September, 1965 (deceased)
Legal Secretary	Candace Lea Wood	August, 1966
Legal Secretary	Jeannine Sanders	
Legal Secretary	Lillian Gale	May, 1966
Legal Secretary	Patricia Ann Mangum	September, 1966
Legal Secretary	Cheryl Ballard	March, 1966
Legal Secretary	Peggy Bentley	May, 1966
Secretary-Bookkeeper	Barbara McKenzie	
Law Clerk	Willis E. Sullivan, III	September, 1966
Law Clerk	Dennis Earl Wheeler	October, 1966

APPROPRIATION
ATTORNEY GENERAL'S OFFICE
1965-1967 Biennium

SALARIES AND WAGES	\$209,140.00
TRAVEL	20,269.00
OTHER CURRENT EXPENSE	44,237.00
CAPITAL OUTLAY	7,500.00
TOTALS	\$279,146.00

COLLECTIONS

The various departments of state during the course of their business transactions have outstanding debts owed them by various corporations, associations and persons with whom they do business. Many times these outstanding debts must be referred to this office for collections, even to the extent of litigation. Principally these collections consist of:

1. Tax collections such as income taxes, estate taxes, numerous license taxes for many departments and taxes to agricultural commissions. All of which are either unpaid or paid with bad checks.
2. Payments due on state timber sales.
3. Payments due for state land sales or condemnations.
4. Brush disposal and forest protection payments due.
5. Service fees due to either the Department of Health for patient care or to the Department of Agriculture for inspections and inoculations of animals, etc.

ATTORNEY GENERAL'S OPINIONS

The office of Attorney General has separated opinions into two general classifications, *formal* and *letter*.

The formal opinions concern matters which this office considers to be of interest to all public authorities throughout the state, and because of such import are distributed to these interested persons.

The following compilation refers only to the formal opinions of statewide concern issued by this office.

Letter opinions are issued by this office directed toward specific local problems and not matters this office considers to be of statewide interest. Letter opinions are of such volume that it is impracticable to include them in this report.

64-9

July 8, 1964

Mr. J. Blaine Anderson
Attorney at Law
Blackfoot, Idaho

Under Section 33-507, *Idaho Code*, where the spouse of a teacher is elected to the Board of Trustees of a school district subsequent to the renewal of the teacher's contract of employment, the teacher may not receive any of the benefits of the contract because of the pecuniary interest of the board member-spouse in that contract.

64-10

August 27, 1964

Mr. Dwaine L. Welch
Prosecuting Attorney
Payette County

1. The term of office of an appointee to a vacancy on the Board of County Commissioners in Payette County expires at the next general election.

2. In order for a political party to have a candidate for the office of County Commissioners in Payette County printed on the next general election ballot, the county central committee must fill the vacancy before the sixtieth day prior to the next general election.

64-11

October 30, 1964

*Mrs. Doris L. Kenney
County Auditor
County of Bonner*

A new resident is not required to prove that he was a qualified elector in his former state, or that he would have been eligible to vote at the election had he remained, but must swear that he is a citizen of the United States and that he resided at a certain location in his former state.

64-12

December 23, 1964

*Mr. James J. May
Prosecuting Attorney
Twin Falls County*

The length of terms for sheriffs elected in the 1964 general election is two years. However, the legislature is authorized to amend Section 34-202, *Idaho Code*, in the future to provide for the election of sheriffs every four years. Until the general election following any such amending legislation, the term of sheriff continues to be two years.

65-1

February 1, 1965

*Mr. H. F. Garrett
Executive Director
Employment Security Agency*

The Governor of the State of Idaho may survey the proposed programs under the Economic Opportunity Act of 1964 which arise in Idaho under Titles I and II of the Act and may approve or disapprove such proposals; that the administrative expenses incurred by the Governor's office in so doing may be partially defrayed by Federal Funds as provided under said Act.

65-2

April 14, 1965

*Mrs. Alice I. Snook
Payette County Clerk*

1. A person need not be a registered voter to be author-

ized to sign a referendum petition.

2. One may not register with the County Clerk after the registration books are closed on the last Saturday next preceding the general election and the day they are opened again unless such electors intend to be absent from his precinct during the periods when registrars are registering electors, or such electors have not heretofore been registered in the precinct in which they reside.

65-3

May 4, 1965

*Mr. W. L. Robison, Commissioner
Department of Labor*

First class cities can probably do all their construction repair and maintenance work either by contract or through their own employees as they chose. Second class cities and villages are more restricted and must contract where possible or where bids are received in relation to sewer work, and local improvement district work, but do not need to contract, and can do the work themselves if no bids are received in either sewer work or local improvement district work. They do not need to contract in relation to highway work within the city or village which is not done under the local improvement district law.

The Commissioner of Labor has the power to determine prevailing wage rates in relation to the specifications for any contracts which are let by all cities or villages, but does not have the power to determine such rates in relation to work that is not done by contract. Section 44-1101, *Idaho Code*, applies to all persons employed as laborers, workmen, mechanics or other persons similarly employed on behalf of a city or village, and requires that these employees be paid not less than the current rate of per diem wages in the locality where the work is done. The current rate of per diem wages would be determined between the city or village and the employee as the contracting parties.

65-4

June 25, 1965

*Mr. John O. McMurray, Chairman
Idaho Republican State Central Committee*

1. Precinct committeemen and other political offices

commonly considered of a higher rank do, or at least are empowered, to take an "active" part in political organization "management".

2. July 1, 1965 is the ultimate deadline in which a state employee presently holding a prohibited party office must resign. Failure to do so could result in a misdemeanor prosecution.

65-5

September 29, 1965

*Mr. James J. May
Prosecuting Attorney
Twin Falls, Idaho*

The County Commissioners may authorize expenditures under Section 31-1608, *Idaho Code*, if the Board is convinced that the facts constitute an emergency and that the budget of the assessor is not sufficient to make the expenditures required and meet the obligations imposed. Determination of emergency must be made by the County Commissioners of each county after considering the specific situation existing in their county.

65-6

November 18, 1965

*Mr. Mark H. Lundy
Chief Electrical Inspector
Idaho State Electrical Board*

Any person, firm or corporation which enters into contracts of maintenance and service with private individuals but does not become an employee of the person receiving the services, is an electrical contractor under definitions set down in *Idaho Code* Section 54-1003A, and all work done by person, firm or corporation shall be subject to the inspection provided in *Idaho Code* Section 54-1004.

65-7

December 16, 1965

*Mr. James L. Schoenhut
Prosecuting Attorney
Cascade, Idaho*

A registered surveyor or engineer should check the plat when the subdivision is not within a town, village or

city. The plat should not be recorded until it has been accepted and approved by the governing body and no plat shall be approved unless a registered surveyor or engineer shall check the plat.

66-1

April 6, 1966

Honorable L. E. Clapp
Secretary of State

The Secretary of State's Office should accept for filing petitions of candidates containing not less than 200 and not more than 300 signatures, in the case of candidates for Justice of the Supreme Court, and not less than 100 nor more than 200 signatures in the case of candidates for District Judge. Petitions bearing the above specified number of signatures and otherwise valid and sufficient should be accepted for filing during the period of at least 45 days and not more than 75 days prior to the date fixed for holding the nominating elections.

66-2

April 16, 1966

Honorable Robert E. Smylie
Governor of the State of Idaho

This opinion dealt with the construction and interpretation of House Bill 15, Third Extraordinary Session of the Thirty-eighth Session of the Legislature. This bill was concerned with election laws and was passed in the Third Extraordinary Session. Because of complexity of the election laws and the problems encountered therein, a discussion of that opinion is impractical.

66-3

April 27, 1966

M. K. Cline
Auditor and Recorder
Latah County

Offices of County Auditors should be held open May 7th for the purpose of filing declaration of candidacy.

SUPREME COURT OF THE UNITED STATES**CIVIL ACTIONS****Pending****Docket No.**

- 2660 Walter E. Hearne, et al., Plaintiffs, vs. Robert E. Smylie, et al, Defendants.
- 2921 In re Application of Joseph Lewis and Alfred L. Klein, Petitioners, vs. James E. Allen, Jr., Commissioner of Education of the State of New York, Respondent.

UNITED STATES COURT OF APPEALS**CIVIL ACTIONS****Pending**

- 2853 Diamond National Corporation, Appellant, vs. Dale Lee, Respondent.
- 2886 Washington Public Power Supply System, Petitioner, vs. Federal Power Commission, Respondent.
- 2897 G. W. Yoder, et al., Appellants, vs. Assiniboine and Sioux Tribes, et al., Appellees.

UNITED STATES DISTRICT COURT**CIVIL ACTIONS****Pending**

- 2598 American Surety Company vs. Joe M. Skok, et al., Defendants.
- 2660 Walter E. Hearne, et al., Plaintiffs, vs. Robert E. Smylie, et al., Defendants.

Docket No.

- 2842 Dryden M. Hiler, Plaintiff, vs. Ralph R. Harding, et al., Defendants.
- 2859 In re Rocky Mountain Chemical Corporation, debtor.
- 2993 Charles E. Smith, Petitioner, vs. State of Idaho, Defendant.
- 4012 William M. Amos, et al., vs. Bill Child, Commissioner of Public Assistance of Idaho, Defendant.
- 4059 Alvin Settler, Plaintiff, vs. Yakima Indian Tribal Council, et al., Defendant.

Closed

- 4102 United States of America vs. 9,103.87 Acres of Land, et al., in Clearwater County, Idaho.

SUPREME COURT — STATE OF IDAHO**CIVIL ACTIONS****Pending**

Docket No.

- 2701 Bumstead Woolford Company, et al., Plaintiffs, vs. Arthur Warren, Defendant.
- 2705 Floyd Eaton, Plaintiff, vs. Latah County Commissioners, Defendants.
- 2718 Charles Everet Smith, Appellant, vs. State of Idaho, Respondent.
- 2792 Paul A. Mahaffey, Plaintiff-Petitioner, vs. State of Idaho, Defendant-Respondent.
- 2837 H. Fred Garrett, Plaintiff, vs. M. K. Cline, Defendant.

- 2872 Board of Trustees of Joint Class A School District No. 151, et al., Plaintiffs, vs. Board of County Commissioners of Cassia County, et al., Defendants.
- 2907 State of Idaho, Plaintiff-Appellant, vs. Ignacio Fuentes, Defendant-Respondent.
- 2910-A Alvis Wilson, Petitioner, vs. L. E. Clapp, Warden, Idaho State Penitentiary, Defendant.
- 2917 Teodoro Totorica, Claimant-Respondent, vs. Western Equipment Company and Employment Security Agency Defendant-Respondent.
- 2919 Allan G. Shepard, Attorney General of the State of Idaho, and James E. Hunt Prosecuting Attorney for Bonner County, Plaintiffs, vs. James Mickelson, Leonard Harbison, and Homer Smith, Board of County Commissioners of Bonner County, Idaho, Defendants.
- 2923 Ray O. Burge, Petitioner, vs. Thomas V. Tibor, et al., Recount Judges, Precinct #1, Power County, Idaho; and George L. England, et al.; Board of County Commissioners, Power County, Idaho; and Allan G. Shepard, Attorney General, State of Idaho, Respondents.
- 2944 State of Idaho, Plaintiff, vs. John Dee Larsen, Defendant.
- 2955 Wendell H. Mathison, Applicant, vs. Honorable Tom Felton and Roy E. Mosman, Respondents.
- 2956 State of Idaho, Plaintiff, vs. Doris Lucille Anstine, Defendant.
- 2957-A Webster Arthur, Petitioner, vs. State of Idaho, Respondent.
- 2960 State of Idaho, Plaintiff, vs. Richard Jensen, Defendant.
- 2964 State of Idaho, Plaintiff, vs. Edward Albert King, Defendant.
- 2976 George Olson, Appellant, vs. State of Idaho, Respondent.

Docket No.

- 2977 State of Idaho, Plaintiff, vs. Robert W. Busek, Defendant.
- 2978 State of Idaho, Plaintiff, vs. James B. Polson, Defendant.
- 2994 Orvil D. Atkinson vs. State of Idaho.
- 2995-A Ronald Roma Abercrombie, Defendant, vs. State of Idaho, Plaintiff.
- 2998 State of Idaho, Plaintiff, vs. David James Cypher and Robert William Mueller, Defendants.
- 2999-A Lewis A. Lott, Petitioner, vs. State of Idaho, Defendant.
- 4002 Leon J. Adams vs. State of Idaho.
- 4007 Rowan G. Richerson, Petitioner, vs. State of Idaho, Respondent.
- 4014 State of Idaho, Plaintiff, vs. Jack Cummings and Theodore J. Starkey, Defendants.
- 4016 State of Idaho, Plaintiff, vs. Frank J. Martinez, Defendant.
- 4019 State of Idaho, Appellant, vs. George Olson, Respondent.
- 4022 State of Idaho, Plaintiff, vs. Clarence E. McKeehan, Defendant.
- 4034 Dennis Pharris, Petitioner, vs. State of Idaho, Respondent.
- 4035 State of Idaho, Plaintiff, vs. John R. McElroy, Defendant.
- 4043 Fairl S. Haddon, Plaintiff, vs. State of Idaho, Defendant.
- 4046 State of Idaho, Plaintiff, vs. Arthur Hancock, Defendant.

Closed**Docket No.**

- 2673 In re petition of Paul Andrew Mahaffey for Writ of Habeas Corpus.
- 2694 Oneida County Fair Board, et al., Plaintiffs, vs. Robert E. Smylie, et al., Defendant.
- 2696 Paul R. Hudson, Claimant-Appellant, vs. Hecla Mining Company, et al., Defendant-Respondent.
- 2709 Idaho Underground Water Users Association, Appellant, vs. Idaho Power, Inc., et al., Respondent.
- 2724 Milot, Plaintiff, vs. E. R. Hopper, Defendant.
- 2820 In the Matter of the Application of David R. Fenton,
19 Marvin K. Miller and Glen D. France for Writs of
18 Habeas Corpus, Petitioners.
- 2836 In re Application of Darole Carpenter for Writ of Habeas Corpus.
- 2845 Ted LaVoie, Plaintiff-Respondent, vs. Commissioner of Law Enforcement, Defendant-Appellant.
- 2848 In re Cody Abbot, et al., Plaintiffs-Appellants, vs. State of Idaho, Tax Commission, Defendants-Respondents.
- 2845 In re the estate of Felipe Yribar, deceased, et al., Plaintiffs-Appellants, vs. H. B. Fritzpatrick, et al., Defendants-Respondents.
- 2857 Allen Steel Supply Company, Plf.-Respondents vs. Guy R. Bradley, Def.-Appellant.
- 2858 In re application of Joseph J. Johnson for Writ of Habeas Corpus.
- 2862 R. E. W. Construction Company, et al., Petitioners vs. District Court of the Third Judicial District for Elmore County, et al., Respondent.
- 2873 H. C. Larsen, Jr., Plf.-Respondent vs. Village of Lava Hot Springs, Idaho, Def.-Appellants.
- 2885 Frank B. Dumont, Petitioner, vs. State of Idaho, Respondent.

Docket No.

- 2887 Walter F. Schieche, Plf.-Appellant, vs. Joyce L. Pasco, et al., Def.-Respondents.
- 2893 In the matter of the Application of George Olson for Writ of Habeas Corpus and George Olson, Petitioner, vs. District Court of the Eleventh Judicial District of the State of Idaho, in and for the County of Twin Falls, and Each and Every Judge thereof, Respondents.
- 2943 State of Idaho, Plaintiff, vs. Robert L. Martinez, Defendant.
- 2946 State of Idaho, Plaintiff, vs. Jacob McGonigal, Defendant.
- 2952 Frank J. Martinez, Plaintiff, vs. State of Idaho, Defendant.
- 2967 In the matter of the Failure of V-1 Oil Company to Comply with Section 61-8028, *Idaho Code*.
- 2970 State of Idaho, Plaintiff, vs. Robert L. Martinez, Defendant.
- 2979-A Henry W. Goff, Plaintiff, vs. State of Idaho, Defendant.
- 4020 City of Lewiston, Plaintiff, vs. Thomas L. Anderson, Frances W. Frary, and Raymond E. Grider, Defendant.
- 4030 State of Idaho, Plaintiff, vs. Joseph J. Sorenson, Defendant.
- 4033-A Elmo B. Starr, Petitioner, vs. State of Idaho, Respondent.

CRIMINAL ACTIONS**Pending**

- 2740 State of Idaho, Plaintiff, vs. Lewis A. Lott, Defendant.

Docket No.

- 2794 State of Idaho, Plaintiff, vs. Adin Hall, Defendant.
- 2852 State of Idaho, Plaintiff-Respondent, vs. Charles West, Defendant-Appellant.
- 2905 State of Idaho, ex rel Carl H. Tappan, State Reclamation Engineer, Plaintiff, vs. Clyde E. Smith and Bonnie Smith, husband and wife, Defendants.
- 2958 State of Idaho, Plaintiff, vs. Rosauer's Super Market Inc., Defendants.
- 2963 State of Idaho, Plaintiff, vs. Edward Albert King, Defendant.
- 2980 State of Idaho, Plaintiff, vs. Sandra Pritchett & George Fisher, Defendants.
- 2988 State of Idaho, Plaintiff, vs. Walter J. Edelblute, Defendants.
- 4004 State of Idaho, Plaintiff, vs. Philip E. Koho, Defendant.
- 4038 State of Idaho, Plaintiff, vs. Evan O. Olsen, Appellant.
- 4040 State of Idaho vs. Bill Caldwell; Ray Hymas; Dennis Kunz.
- 4047 State of Idaho, Plaintiff, vs. Jerome T. Carpenter, Defendant.
- 4048 State of Idaho, Plaintiff, vs. Phillip Mowery, Defendant.
- 4056 State of Idaho vs. Hood Worthington and Valley Worthington, doing business as Lolo Lumber Company.
- 4064 State of Idaho, Plaintiff, vs. Michael T. Pruett, Defendant.
- 4073 State of Idaho, Plaintiff, vs. Larry Oliver Reeve, Defendant.
- 4087 State of Idaho, Claimant, vs. Harley Madison Long, Defendant.

Docket No.

- 4090 State of Idaho, ex rel, Plaintiff, vs. Command Products, Inc., Defendants.
- 4049 State of Idaho, Plaintiff, vs. John H. Ebersole, a/k/a George Wagner, Defendant.
- 2903 State of Idaho, Plaintiff, vs. Richard D. McFarland, Defendant.

Closed

- 2558 State of Idaho, Plaintiff, vs. David Kird Rade and Ralph Richard Pehrson, Defendant.
- 2670 State of Idaho, Plaintiff, vs. Elwin M. Hall, Defendant.
- 2787 State of Idaho, Plaintiff-Respondent, vs. Joseph M. Bitz, Defendant-Appellant.
- 2716 State of Idaho, Plaintiff, vs. Clyde Gish, Defendant.
- 2824 State of Idaho, Appellant, vs. Harold C. Perry, Respondent.
- 2827 State of Idaho, Plaintiff-Respondent, vs. Floyd L. Clark, Defendant-Appellant.
- 2839 State of Idaho, Appellant, vs. Linda M. Snyder, Respondent.
- 2849 State of Idaho, Plaintiff-Respondent, vs. Donald Ramsbottom, Defendant-Appellant.
- 2856 State of Idaho, Plaintiff-Respondent, vs. Jack Lee Puckett, Defendant-Appellant.
- 2861 State of Idaho, Plaintiff-Appellant, vs. Mike Fitzpatrick, Defendant-Respondent.
- 2878 State of Idaho, Plaintiff-Appellant, vs. Ruth M. Bauman and William S. Wood, Defendant-Respondents.
- 2889 State of Idaho, Plaintiff, vs. Dillard Junior Haggard, Defendant.
- 2904 State of Idaho, Plaintiff, vs. Albert E. Trimming, Defendant.

Docket No.

- 2906 State of Idaho, Plaintiff, vs. Clyde Gish, a/k/a Roy Albert King, Defendant.
- 2908 State of Idaho, Plaintiff, vs. Marion V. Overby, Defendant.
- 2937 State of Idaho, Respondent, vs. Homer H. Bishop, Appellant.
- 2938 State of Idaho, Defendant, vs. Claude Stokes, Plaintiff.
- 2965 State of Idaho, Plaintiff, vs. Chester R. Lewis, Defendant.
- 2987 State of Idaho, Plaintiff, vs. George Lovell, Defendant.
- 4041 State of Idaho, Plaintiff, vs. James Brauburger, Defendant.

DISTRICT COURT — STATE OF IDAHO**CIVIL ACTIONS****Pending**

- 2567 State of Idaho, Plaintiff, vs. Washington Public Power Supply System, Defendant.
- 2573 In the matter of the Estate of S. R. Spencer, Deceased.
- 2662 In the matter of the proposed merger of Old West Life Insurance Company and Union Trust Life Insurance Company, et al., Petitioners.
- 2690 Kermit D. Petersen, et ux, Plaintiffs-Appellants, vs. State of Idaho, Defendants-Respondents.
- 2692 Norman G. Thompson, et al., Plaintiffs, vs. Luis B. Bollar, et al., Defendants.
- 2693 State of Idaho, Plaintiff, vs. Idaho Potato Packers Corporation, et al., Defendants.
- 2699 State of Idaho, Plaintiff, vs. John Harris, Defendant.

Docket No.

- 2701 Bumstead-Woolford Company, et al., Plaintiffs, vs. Arthur Warren, et al., Defendants.
- 2712 The Equitable Life Assurance Society of the U. S., Plaintiff, vs. Johnie M. Boyd, et al., Defendants.
- 2714 Bair's Trucking, Inc., Plaintiff, vs. Mike J. Jimenez, et al., Intervenor, vs. Mike J. Jimenez, et al., Defendants, in intervention.
- 2717 Alice A. Soden, Plaintiff, vs. Thomas B. Carr, et al., Defendants.
- 2719 Vida Thompson, Petitioner, vs. State Board of Health.
- 2721 Nellie Baker, Plaintiff, vs. Merrill A. Wright, et al., Defendants.
- 2736 State of Idaho, Plaintiff, vs. Percy G. Kelson, et al., Defendant.
- 2749 Henry W. Bock, Plaintiff, vs. John Leakos, et al., Defendants.
- 2753 Thomas T. Thorton, et ux., Plaintiffs and Cross-Defendants, vs. Harvey K. Walker, et ux, Defendants and Cross-Claimants, vs. Ex rel George N. Carter.
- 2756 The County of Bear Lake, et al., Plaintiff, vs. Wallace C. Burns, et al., Defendant.
- 2909-A Earl E. Austin, Plaintiff, vs. Mr. Louis E. Clapp, Defendant.
- 2760 Richard L. Black, Plaintiff, vs. Commissioner of Law Enforcement, Defendant.
- 2766 State of Idaho, Plaintiff, vs. Marvin F. Olson, Jr., Defendant.
- 2822 Vern Savage, Plaintiff, vs. City of Pocatello, et al., Defendants.
- 2823 Twin Falls, Idaho, Kennel Club, et al., Plaintiffs, vs. City of Twin Falls, Defendants.
- 2825 James L. Hansen, et ux, Plaintiff, vs. George A. Williams, et al., Defendants.

Docket No.

- 2825 John Stringer, et ux, Plaintiffs, vs. George A. Williams, et al., Defendants.
- 2843 First Security Bank of Idaho, NA, Plaintiff, vs. Robert K. Shelton, et ux., et al., Defendants.
- 2869 New York Life Insurance Company, Plaintiff, vs. David C. Durrill, et al., Defendants.
- 2871 In the matter of the Status of the Idaho Public Livestock Market Charter No. 16 held by Bill H. Silson d/b/a Salmon River Livestock Auction.
- 2874 State of Idaho, Plaintiff, vs. Hood Worthington, et al., Defendants.
- 2875 State of Idaho, Plaintiff, vs. Tensed Manufacturing Company, Defendant.
- 2877 Paul Andrew Mahaffey, Plaintiff, vs. State of Idaho, Defendant.
- 2884 Theodore John Starkey, Plaintiff, vs. State of Idaho, Defendant.
- 2895 Lewiston Orchards Irrigation District, a public corporation, vs. Belle J. Dowell, et al., and State of Idaho.
- 2896 In re the Estate of Felipe Yribar, Deceased, Ralph Yribar, et al., Contestant, Plaintiff-Appellant, vs. H. B. Fitzpatrick and Oliver Davis, Proponents of the Last Will and Testament of Felipe Yribar, Deceased, Defendants-Respondents.
- 2898 G. L. Dean & Sons, et al., Appellants, vs. Carl E. Tappan, State Reclamation Engineer, Respondent.
- 2913 In the matter of the Application of Western Air Lines, Inc., for authority to engage in air transportation in the Northwest-Southwest area.
- 2916 Charles P. Brewer, doing business under the firm name and style of Brewer Pest Control vs. State Board of Health.
- 2918 Earl David Boan, Petitioner, vs. State of Idaho, Defendant.

Docket No.

- 2920 Felicia Nichols, Plaintiff, vs. Willis Godfrey and State of Idaho, Defendant.
- 2926 State of Idaho, ex rel Stanley I. Trenhaile, Commissioner of Agriculture, Plaintiff, vs. Hairl P. Johnson and Darlene Johnson, husband and wife, and Jerry Johnson, d/b/a Johnson's Packing Plant, Defendant.
- 2927 U. N. Terry and Maurine R. Terry, husband and wife, Plaintiffs vs. Jim L. Carney, et ux., James Marshall, d/b/a Northeast Farms, Statewide Adjustment Bureau, Inc., State of Idaho, Elmer J. Hagerty, et ux., Defendants.
- 2934 Alice Clegg, Don W. Clegg and Lucille Clegg, Laura Clegg, Joseph Collins, Robert Young, and Donnette Young, Petitioners, vs. Carl Tappan, State Reclamation Engineer, and the Reclamation Department of the State of Idaho, Respondent.
- 2936 Lodha Sterling, Inc., an Idaho corporation, Plaintiff, vs. Wilson B. Lehmberg & the State of Idaho, Defendants.
- 2940 In re application of Harold H. Hanson for an Out-Fitter's License vs. Idaho State Outfitters and Guides Board.
- 2941 In the interest of David Soto, a child under eighteen years of age.
- 2945 William H. Morton, Jr., et ux., Plaintiffs, vs. Unknown Heirs of Ernest DeAlton, Defendant.
- 2947 In the matter of the Assessed Valuation of Certain Real Property, to wit: Lots 1 to 4 Inclusive, etc. Assessed Against C. C. Anderson Stores Company for the Year 1964.
- 2949 Joseph Marcel Von Eiselein, Petitioner, vs. State of Idaho, Respondent.
- 2951 Leonard Dean Gardner & Wayne Carter Peterson, Plaintiffs, vs. Warden L. E. Clapp, Defendant.
- 2951-B Leonard Dean Gardner & Wayne Carter Peterson, Plaintiffs, vs. State of Idaho, Defendant.

Docket No.

- 2953 Harvey F. Moore, Plaintiff, vs. Marshall Stone, et al., Defendant.
- 2954 Clarence E. Haddon and Donald L. Shaw, Plaintiffs, vs. State of Idaho, Defendant.
- 2961 Earl E. Chambers, vs. State of Idaho & George E. Blackburn.
- 2968 Fred Park, Petitioner, vs. State of Idaho, Respondent.
- 2973 Fred Marienau, Petitioner, vs. School Trustees of Class A School District, Defendants.
- 2974 In the matter of the Appeal of Ebco, a/k/a Milner Hotel.
- 2975 Pacific Gas Transmission Company, vs. Idaho Public Utilities Commission.
- 2985 Jess M. Squire, Plaintiff, vs. State of Idaho, Defendant.
- 2986 State of Idaho, ex rel R. Doyle Summs, Ernest F. Gaffney (Idaho Board of Highway Directors) vs. Arnold Tweeten and Leona Tweeten and the State of Idaho.
- 2990 Jack Wilkerson, Plaintiff, vs. State of Idaho, Defendant.
- 2991 Wayne England, Plaintiff-Appellant, vs. Idaho Outfitters and Guides Board, Defendant-Respondent.
- 2992 David Fenton, Petitioner, vs. State of Idaho, Defendant.
- 2996 Lyle Cobbs, Plaintiff, vs. State Board of Education, Defendant.
- 2997 James L. Toynbee & Sandra, et al., vs. Elvin J. Albiston & State of Idaho.
- 4000 Estate of Urruchua.
- 4001 Robert Kyle, Plaintiff, vs. State of Idaho, Defendant.
- 4005 Harvey W. Pulver, Complainant, vs. State of Idaho, Respondent.

Docket No.

- 4006 Robert R. Thomas, Petitioner, vs. State of Idaho, Respondent.
- 4008 Wesley E. Coffelt, Petitioner, vs. State of Idaho, Respondent.
- 4009 Robert W. Busek, Petitioner, vs. State of Idaho, Respondent.
- 4013 State of Idaho, Plaintiff, vs. Joseph Marie Acevedo, Paul Horcasitas, Donnie Doyle Green, Lewis E. Carter.
- 4015 Theodore John Starkey vs. State of Idaho.
- 4017 Elmer A. Martin, Lloyd Lay, et al., Plaintiffs, vs. Jessie K. Hatcher, Everett Bechtel, et al., Idaho Private Contractors Board, Defendants.
- 4018 Willard R. Jacobson, Plaintiff, vs. State of Idaho, State Department of Public Health, Eldon C. Davidson and Ralph Rodriguez, Defendants.
- 4021 Edward L. Purser, Petitioner, vs. State of Idaho, Respondent.
- 4024 John Henry Bement, Petitioner, vs. State of Idaho, Respondent.
- 4025 In the matter of the Multi-Line Insurance Rating Bureau.
- 4026 Idaho Telephone Company, Pacific Northwest Bell Telephone Company, et al., Plaintiffs, vs. E. D. Baird, Charles E. Gossett, T. Hedley Dingel, and T. C. Waddoups, as members of and constituting the Idaho State Tax Commission, Defendants.
- 4028 State of Idaho, Plaintiffs, vs. Joseph M. Bitz, Defendant.
- 4029 Duane Hall, Petitioner, vs. State of Idaho, Respondent.
- 4032 John Ewald, Jr. Plaintiff, vs. State of Idaho, Respondent.

Docket No.

- 4036 A. L. Gurley, Doing business under the firm name and style of Western Music Company, Plaintiff, vs. Floyd West, Tax Collector of the State of Idaho, Defendant.
- 4037 Charles B. Parker, Charles R. Steward, Rodney A. Heater, and William H. Fate, Plaintiffs, vs. Floyd West, Tax Collector of the State of Idaho, Defendant.
- 4039 Local Union 283, International Brotherhood of Electrical Workers & Local Union 370, International Union of Operating Engineers, Plaintiffs, vs. W. L. Robinson, Commissioner of Labor, State of Idaho, Defendant.
- 4042 John Heine, Plaintiff, vs. School District No. 271, Coeur d'Alene, Idaho, State of Idaho acting by and through its duly elected superintendent, Defendants.
- 4044 James Adair, Petitioner, vs. State of Idaho, Respondent.
- 4045 Robert H. Wilbanks, Plaintiff, vs. State of Idaho, Defendant.
- 4050 John W. Pruett, Plaintiff, vs. Western Paving Company and Marshall Haney Corporation, Defendant.
- 4051 Union Pacific Railroad Company, Plaintiff, vs. South Bannock Free Library District, Defendant.
- 4052 Neil Udell and Maureen Udell, Plaintiffs, vs. Rosella J. Kruse, et al., Defendants.
- 4053 Francis Lloyd Schwartz, Petitioner, vs. State of Idaho, Defendant.
- 4054 Dennis Pharris, Petitioner, vs. State of Idaho, Respondent.
- 4055 Richard A. Swan, Appellant, vs. State of Idaho, Respondent.
- 4060 John Frances Nester, Petitioner, vs. State of Idaho, Respondent.
- 4062 Jack Gibbs, Reed Budge, Vern Moser, Caribou County, Idaho Citizens Grazing Association, Plaintiffs, vs. Robert E. Smylie, Allan G. Shepard, Joe R. Wil-

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- liams, Arnold Williams, D. F. Engelking, O. J. Buxton, Defendants
- 4066 Boise Bowling Center, et al., Plaintiffs, vs. State of Idaho & Floyd West, Defendants.
- 4068 Phillips Petroleum Company, Plaintiff, vs. P. G. Neill, Tax Collector of the State of Idaho, Defendant.
- 4074 Harold G. McDonald vs. State of Idaho.
- 4075 C. W. Mulhall vs. John Nielson and Jane Doe Nielson, his wife, if married, et al.
- 4076 Idaho Falls Bonded Produce & Supply, Inc., an Idaho Corporation, vs. Pearson Canal Company, an Idaho Corporation.
- 4077 John H. Ebersole vs. State of Idaho.
- 4078 Harriet M. Jones, a widow, vs. Mrs. R. E. Lenox, a/k/a Mrs. Dixon M. Lenox, a/k/a Dixie Dow, et al.
- 4079 Richard Clayton vs. Everett L. Jensen, et al.
- 4080 Cecil Jenkins vs. Delbert Jenkins, et al.
- 2902 James E. Hunt, Prosecuting Attorney in and for the County of Bonner, State of Idaho, Plaintiff, vs. Fred F. Kondo, Justice of the Peace in and for Bonner County Precinct, State of Idaho, Defendant.
- 4081 State of Idaho, on the relation of W. D. Stearns, Director of the Unfair Sales Act for the Department of Commerce and Development, Plaintiff, vs. Jay Davis, d/b/a Jay's Sav-on Foods, Defendant.
- 4082 Caribou County, a political subdivision of the State of Idaho, vs. Carl Tappan, State Reclamation Engineer, State of Idaho.
- 4083 Charles H. Evans vs. State of Idaho.
- 4084 Jean E. Solomon, et al., vs. Department of Public Assistance.
- 4089 Edward L. Purser vs. State of Idaho.
- 4091 Jose Martinez vs. State of Idaho.

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- 4092 In the matter of the Application of Caryl Fuchs, for a Writ of Habeas Corpus.
- 4109 Henry W. Goff vs. State of Idaho.
- 4112 R. D. Malloroy vs. State of Idaho.
- 4121 In re Plans of Gem State Mutual Life Association, Inc.
- 4150 In the matter of Ebco (Troy Capital Building).
- 4151 In the matter of Ebco (Owyhee Hotel).
- 4152 In the matter of Boise Hotel.

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- 2517 Alwyn Nedrow, Appellant, vs. State Board of Education, et al., Respondents.
- 2526 Mike Jimenez, Plaintiff, vs. Commissioners of Bingham County, Defendants.
- 2610 Clarence Frasure, Plaintiff, vs. Commissioner of Law Enforcement, Defendant.
- 2659 Bumstead-Woolford Company, et al., Plaintiffs, vs. Arthur Warren, et al., Defendants.
- 2663 State of Idaho, Plaintiff, vs. Mary Crosby, Defendant.
- 2675 First Federal Savings & Loan Association of Twin Falls, Plaintiff, vs. Paul M. McClure, et ux., et al., Defendants.
- 2682 In the matter of the New Homeowners Filing of August 13, 1962, by Idaho Surveying and Rating Bureau, Inc., Appellant.
- 2688 Evelyn Major Matteson, Plaintiff, vs. Don Briscoe, Defendant and many Cross-Defendants.
- 2710 Pack River Lumber Company, Inc., Plaintiff, vs. Lake Properties, Inc., et al., Defendants.
- 2715 Ralph H. Smith, Plaintiff, vs. The Regents of the University of Idaho, et al., Defendants.

Docket No.

- 2724 In the matter of the Suspension of State Retail Beer License No. 710 of Harold Milot d/b/a 1916 Barr, Stites, Idaho County, Idaho, Petitioner, vs. E. R. Hopper, Defendant.
- 2726 H. E. Simpson, Plaintiff, vs. Mach H. Mason, et al., Defendants.
- 2728 In re Suspension of State Retail Beer License No. 655 of F. S. Johnston, d/b/a Smoke Shop, City of Grangeville.
- 2729 In re Suspension of State Retail Beer License No. 1760 of V. S. Willey, d/b/a Vern Grocery, City of Grangeville.
- 2735 State of Idaho, Plaintiff, vs. Bartlett W. Turnipseed, et al., Defendant.
- 2739 Rufus Wm. Freeman, Petitioner, vs. State of Idaho, Respondent.
- 2742 State of Idaho, Plaintiff, vs. Scotty McPherson, Inc., Defendant.
- 2743 State of Idaho, Plaintiff, vs. McEuens Foodliner, Inc., Defendant.
- 2744 State of Idaho, Plaintiff, vs. Donald B. Tuntland, Defendant, 2745 State of Idaho, Plaintiff, vs. McPherson's Supermarket No. 3, Defendant.
- 2746 George W. Dovel, Petitioner, vs. Jay Taylor, et al., Respondents.
- 2747 Mauricio Guerry, et al., Plaintiff, vs. Cedar Mesa Reservoir and Canal Company, et al., Defendants.
- 2751 In the matter of the Application for the Appointment of a Water Master for McMillan Lateral, Ada County.
- 2752 The Southern Idaho District Council of the Assemblies of God, Plaintiff, vs. J. R. Shoenecke, et al., Defendants.
- 2754 In the matter of the Application of Paul Andrew Mahaffey for a Writ of Habeas Corpus.

Docket No.

- 2755 Milton Ownes, et ux., Plaintiffs, vs. Elmer J. Park, et ux., et al., Defendants.
- 2763 Eldon W. Jolley, et ux., et al., Plaintiff, vs. Idaho Securities, Inc., et al., Defendants.
- 2774 Frank Prendergast, Plaintiff, vs. Commissioner of Law Enforcement, Defendant.
- 2784 In the matter of the Application of Jacob A. Cope for a Writ of Habeas Corpus.
- 2793 In re Appeal of Joint Class A School District No. 148, Grace, Idaho.
- 2795 In re Application of Delores Stone for a Writ of Habeas Corpus.
- 2803 Bojack's Inc., Plaintiff, vs. Commissioner of Law Enforcement.
- 2805 Rosey's Lounge, Inc., Plaintiff, vs. Commissioner of Law Enforcement, Defendant.
- 2810 Joseph Lamp Ottshamer, Plaintiff, vs. Commissioner of Law Enforcement, Defendant.
- 2811 John R. Casey, et al., Plaintiff, vs. Commissioner of Law Enforcement, Defendant.
- 2812 Cooper C. Clark, Plaintiff, vs. Commissioner of Law Enforcement, Defendant.
- 2832 In the interest of Edwin L. Cosner, a child under 18 years of age.
- 2841 J. H. Wirtzfeld, et ux., Plaintiffs, vs. R. U. Spaulding, et al., Defendants.
- 2846 Panfili Brothers & Byers, Plaintiffs, vs. Jay Taylor, et al., Defendants.
- 2850 Frank P. Wester, Plaintiff, vs. Vernon E. Hopkins, et al. Defendants.
- 2851 Robert D. Remington, Plaintiff, vs. Outfitters & Guides Board, Defendant.
- 2855 Jennie M. Heurer, et al., Plaintiff, vs. State of Idaho.
- 2861 State of Idaho, Plaintiff, vs. Fitzpatrick, Defendant.

Docket No.

- 2863 Mary J. Eveland, Plaintiff, vs. Robert E. Smylie, et al., Defendants.
- 2866 State of Idaho, Plaintiff, vs. Paul Adams, et al., Defendants.
- 2881 Western River Expeditions, Inc., vs. Al Tice, Martin Capps and Jim Renshaw, Members of and constituting the Idaho Outfitters and Guides Board.
- 2888 Michael Donahue, Plaintiff, vs. State of Idaho, Defendant.
- 2891 In the matter of the Application of David L. Orris for a Writ of Habeas Corpus.
- 2892 Allen E. Beckstead, Plaintiff, vs. State of Idaho, Defendant.
- 2894 Marvin F. Roach vs. State of Idaho.
- 2899 Horace J. Knowlton, Plaintiff, vs. Department of Reclamation of the State of Idaho and George N. Carter, State Reclamation Engineer, Defendant.
- 2901 David Lemons, Plaintiff, vs. Chester Hillman, Defendant.
- 2911 Michael Donohue, Petitioner, vs. State of Idaho, Defendant.
- 2912 Jerry D. Moore, Petitioner, vs. L. E. Clapp, Defendant.
- 2914 In the matter of the Application of Thomas Reese for a Writ of Habeas Corpus.
- 2915 In the matter of the Application of Joseph J. Johnson for a Writ of Habeas Corpus.
- 2922 In the matter of the Application of Donald LeRoy Schoonover for a Writ of Habeas Corpus.
- 2924 In the matter of the Petition of Fred E. McCormick for a Writ of Habeas Corpus.
- 2925 In the matter of the Election of the Sheriff of Cassia County, State of Idaho.

Docket No.

- 2928 State of Idaho, on the relation of W. D. Stearns, Director of Unfair Sales Act for the Department of Commerce & Development, Plaintiff, vs. Robert Aldredge, d/b/a Farmers Market, Defendant.
- 2929 State of Idaho, on relation of W. D. Stearns, Director of Unfair Sales Act for Department of Commerce & Development, Plaintiff, vs. George McKelvey d/b/a Combination Foodliner, Defendant.
- 2930 State of Idaho, relation of W. D. Stearns, Director of Unfair Sales Act for Department of Commerce & Development, Plaintiff, vs. Fred C. Contamessa d/b/a Thrift Food Center, Defendant.
- 2931 State of Idaho, on relation of W. D. Stearns, Director of Unfair Sales Act for Department of Commerce & Development, Plaintiff, vs. William J. Noyen d/b/a Wayside Market, Defendant.
- 2932 State of Idaho, on relation of W. D. Stearns, Director of Unfair Sales Act for Department of Commerce & Development, Plaintiff, vs. Stein Brothers, Inc., an Idaho Corporation, Defendant.
- 2933 State of Idaho, relation of W. D. Stearns, Director of Unfair Sales Act for Department of Commerce & Development, Plaintiff, vs. Pik Kwik, an Idaho Corporation, Defendant.
- 2939 Ernest Faris, Plaintiff, vs. State of Idaho, Defendant.
- 2948 Robert Jones, Plaintiff, et ux., vs. Frank J. Eller, et ux., et al., Defendants.
- 2950 Charles Harmon Roberts, Plaintiff, vs. State of Idaho, Defendant.
- 2959 Jack Martin, Plaintiff, vs. State of Idaho, Defendant.
- 2962 Leonard L. Kensley, plaintiff, vs. State of Idaho Defendant.
- 2969 A. Deon Harris, et al., Plaintiffs, vs. Bannock Builders, Inc., et al., Defendants.
- 2972 David G. Ainsworth, vs. Robert E. Smylie, Defendant.

Docket No.

- 2981 David Lee Walters, Plaintiff, vs. State of Idaho, Defendant.
- 2982 John A. Stewart, et al., Plaintiffs, vs. Andrew Adams, deceased, et al., Defendants.
- 2983 Willard R. Jacobson, Petitioner, vs. Earl Winter, Sheriff of Elmore County, Defendant.
- 4003 Dale J. Burge, Petitioner, vs. State of Idaho, Defendant.
- 4010 Lavern Alfrey, Petitioner, vs. State of Idaho, Respondent.
- 4023 Freddie R. Darden, Plaintiff, vs. State of Idaho, Defendant.
- 4027 Donnell Hoyt, Petitioner, vs. State of Idaho, Respondent.
- 4057 James R. Brauburger, Petitioner, vs. State of Idaho, Respondent.
- 4058 Richard G. Jacobsen, Petitioner, vs. State of Idaho, Respondent.
- 4061 Carl Pierce, Plaintiff, vs. State of Idaho, Defendant.
- 4071 Leonn U. Urie, Plaintiff, vs. State of Idaho, Defendant.
- 4072 Michael E. Kernin, Petitioner, vs. State of Idaho, Respondent.
- 4085 Elwood Rainey vs. State of Idaho.
- 4086 Charles P. Sagmoen vs. State of Idaho.
- 4088 Peter J. Martin vs. State of Idaho.

PROBATE COURTS**CIVIL ACTIONS****Pending****Docket No.**

- 2883 In the matter of the Termination of the Parental Rights of Kathryn Jean Koford.
- 2942 In the matter of the Estate of James W. Giezentanner.
- 2966 In the matter of the Estate of Arthur Pellegram.
- 2725 In the matter of the Hospitalization of John W. Hunt, Incompetent.
- 2860 In the matter of the Termination of the Parental Rights of Alta Lee Thompson.
- 4069 State of Idaho, ex rel, Potato and Onion Commission, Plaintiffs, vs. W. W. Newcomb, Defendant.
- 4070 State of Idaho, ex rel, Potato and Onion Commission, Plaintiffs, vs. Albert Moser, Defendant.
- 4095 In the matter of Application of R. Grant Jemmett and Vendla M. Jemmett, his wife, to adopt Kerry Thompson.

Closed

- 2900 In re the Estate of George Slethei, Deceased.