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AUG 28 2008

DEPARTMENT OF
WATER RESOURCES

Dwight E. Baker, Esq.
BAKER & HARRIS
266 W Bridge
Blackfoot, ID 83221
Telephone: (208)785-2310
Facsimile: (208)785-6749
Idaho State Bar No. 1350

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	35-11343
	)		
Case 39576	)		
	)		
	)	MOTION TO FILE LATE OBJECTION	
	)		
	)		

Claimant, John Houghland, by and through counsel, Dwight E. Baker, of the firm BAKER & HARRIS, hereby files this Motion to File Late Objection in regards to the above number water right. This motion is necessary because the objection period for the above water right has passed, and an error in the place of use of this water right necessitates the filing of this motion.

Porter Houghland died April 30, 2007. John Houghland was appointed personal representative of his father's Estate on the 6th day of June, 2007. The Estate was settled, and the assets of the Estate were transferred to John Houghland. A Notice of Change in Water Right for Water Right 35-11343 was filed with the Idaho Department of Water Resources on April 23, 2008. IDWR responded with its notice that IDWR refused to transfer the ownership of Water Right 35-11343 because the legal description on the deed provided did not match the place of use listed on the Water Right. A true and correct copy of the Deed of Distribution by Personal Representative, recorded April 8, 2008, as Instrument No. 592950, records of Bingham County, Idaho, together with a copy of the IWDR Notice that said water right was not transferred because the legal description on the deed provided did not match the place of use accompanies this motion.

A copy of the Bingham County Master Record for RP0098800 is attached, and is the number assigned to the real property owned by the decedent, Porter Houghland, located at Township 4 South, Range 32 E.B.M., Section 23, NW¼, Bingham County, Idaho, to which Water Right 35-11343 is appurtenant. The decedent, Porter Houghland did not own land in Township 4 S, Range 32E, Section 14.

Claimant requests the Court grant his Motion to File Late Objection. A Standard Form 1 Objection is attached to this motion, and we request this objection be lodged until such time that the Claimant might be heard in this matter. Once the hearing has been held, we request that the objection be filed so the place of use of the Water Right may be corrected, and the water right transferred to its rightful owner.

Dated this 25th day of August, 2008.

BAKER & HARRIS


Dwight E. Baker, Esq.

CERTIFICATE OF MAILING

I certify that the 25th day of August, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

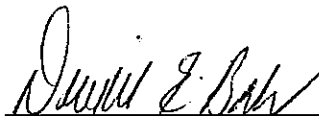
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724


Dwight E. Baker, Esq.

RECORDING REQUESTED BY:
Baker & Harris
AND WHEN RECORDED MAIL TO:
Baker & Harris
266 W Bridge
Blackfoot, ID 83221

Instrument # 592950

BINGHAM COUNTY

2008-04-08

04:27:43 No. of Pages: 2

Recorded for : #5299 BAKER & HARRIS

SARA J. STAUB

Fee: 6.00

Ex-Officio Recorder Deputy *VJB*

space above this line for Recorder's use only

DEED OF DISTRIBUTION
BY PERSONAL REPRESENTATIVE

THIS DEED, made by JOHN HOUGHLAND, as personal representative of the estate of PORTER HOUGHLAND, deceased, Grantor, to JOHN HOUGHLAND, Grantee, whose current address is 1842 W 800 S, Pingree ID 83262.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Case No. CV-07-1211, in Bingham County, Idaho;

WHEREAS, Grantee is entitled to distribution of the hereinafter described real property;

THEREFORE, for valuable consideration received, Grantor quitclaims, transfers, and conveys to Grantee the following described real property in Bingham County, Idaho:

Parcel 1:

Township 4 South, Range 32 E.B.M., Bingham County Idaho:

Section 12: Beginning at a right-of-way marker on the North line of State Highway 39 that is approximately 40 feet North and 25 feet West from the SE corner of said Section 12, and running thence S 89°37'30" W along said North line of Highway 39, 935 feet; thence North 279 feet; thence N 89°37'30" E 935 feet; thence South 279 feet to the Point of Beginning

Parcel 2:

Township 4 South, Range 32 E.B.M., Bingham County, Idaho:

Section 23: NW¼, EXCEPT: Beginning at a point 835 feet E of the W¼ corner of said Section 23, and running thence E 1830 feet; thence N 50 feet; thence W 1830 feet; thence S 50 feet to the point of beginning. ALSO EXCEPT: Beginning at the W¼ corner of said Section 23, and running thence E 35 feet; thence N 45° W 50 feet; thence S 35 feet to the point of beginning.

with all appurtenances.

COPY

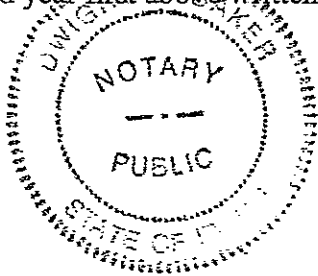
EXECUTED this 3rd day of April, 2008.


John Houghland
Personal Representative of the
estate of Porter Houghland, deceased.

STATE OF IDAHO)
 : ss
County of Bingham)

On this 2nd day of April, 2008, before me, the undersigned, a notary public in and for said state, personally appeared, John Houghland, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of Porter Houghland, deceased, and acknowledged to me that he executed the same as such Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.




Notary Public for Idaho
Residing at Blackfoot
My commission expires: 12-10-11

592950



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

July 07, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

JOHN HOUGHLAND
1842 W 800 S
PINGREE ID 83262

JUL 10 2008

RE: Change of Ownership for Water Right 35-38B, 35-11342, & 35-11343

Dear Water Right Holder:

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the change in ownership for 36-85B and 35-11342 and has enclosed computer-generated reports for your records.

Ownership was not changed for water right 35-11343 as the legal description on the deed you provided does not match the place of use. A copy of the deed is enclosed. The following is required to process the ownership change:

X **Evidence of Water Right Ownership:** copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

The Department cannot process the ownership change without proper documentation. We will hold your application for 30 days pending receipt of the necessary information. If we do not hear from you within that time, your application will become inactive.

Please feel free to contact Dayna Ball at 208-287-4953 or dayna.ball@idwr.idaho.gov if you have any questions.

Sincerely,

to ✓ Emalee Rushing
Office Services Supervisor
Water Allocations Bureau

Enclosures

CC Dwight E Baker
Baker & Harris
266 W Bridge St
Blackfoot, ID 83221



PROPERTY MASTER

08/21/2008

<u>Year</u>	<u>Parcel #</u>	<u>Parcel Status</u>	<u>Property Type</u>	<u>Reappraisal Year</u>
2008	RP0098800	Active	Real	2005
<u>Location Code</u>	<u>Code Area</u>	<u>Parcel Type</u>	<u>Appraiser</u>	<u>Physical Inspection</u>
	018000		SW	01/01/2005

Physical Location	
Address	ID
Group Type	SECT
Group #	043472
Description	T4S R32E SEC 23
Zoning	A
Township/Range/Section	4S 32E 23

Primary Owner/Contact Information	
Name	HOUGHLAND PORTER PO BOX 197 SPRINGFIELD ID 83277-5811
Legal	T4S R32E SEC 23 NW4 LESS RD
Deed Reference No:	548473 12/15/2004

Additional Owners/Contacts	

Solid Waste	
Unit	Type
1	A

Photo & Map	
Photo:	PHOTO #137
Map:	

Property Values	Status	State Cat. Code	Acres	Assessed Value	Assessment Roll	Property Occupancy	Valuation Method
	Active	2	16.000	7,360	Primary	Non-Occupancy	LAND BASE
	Active	4	124.000	33,513	Primary	Non-Occupancy	LAND BASE
	Active	5	15.000	410	Primary	Non-Occupancy	LAND BASE
	Active	10	1.000	13,750	Primary	Non-Occupancy	LAND BASE
	Active	19	1.900	0	Primary	Non-Occupancy	LAND BASE
	Active	31		5,000	Primary	Non-Occupancy	COST
	Active	32		1,000	Primary	Non-Occupancy	COST
	Totals		157.900	61,033			
				0			
				61,033			
					Total Values		
					Less Homeowner's Exemption		
					Taxable Value		

Land Base Cost	Value Classification			Sq. Ft. / Acres	Value Per Acre	Market Value
	Cat	Loc	Class/Type			
	2	6C	F01	16.000	460.00	7,360.00
4	5B		51.000	301.00	15,351.00	
4	5C		70.000	255.00	17,850.00	
4	5F		3.000	104.00	312.00	
5	6C		2.000	58.00	116.00	
5	6D		2.000	46.00	92.00	
5	6F		8.000	23.00	184.00	
5	7Z		3.000	6.00	18.00	
10	B	IMP	1.000	13,750.00	13,750.00	
19	A		1.900	0.00	0.00	
		Totals	157.900	15,003.00	55,033.00	