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APR 06 2009

DEPARTMENT OF
WATER RESOURCES

Dwight E. Baker, Esq.
BAKER & HARRIS
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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	35-10967
	)		
Case 39576	)		
	)		
	)	MOTION TO FILE LATE OBJECTION	
	)		
	)		

Claimant, Brent Cornforth, 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.

Athel L. Cornforth died May 1, 2002. Brent Cornforth was appointed personal representative of his father's Estate on the 7th day of January, 2002. Inez Cornforth died January 1, 2008. Brent Cornforth was appointed personal representative of his mother's Estate on the 4th day of February, 2008. The real property subject to Water Right 35-10967 was conveyed by Athel L. Cornforth to Brent LeRoy Cornforth and Connie Kay Cornforth, husband and wife, by Warranty Deed, recorded November 19, 1982, as instrument No. 299125, records of Bingham County, Idaho, a copy of which is attached hereto.

As a part of the settlement of Inez Cornforth's Estate, A Notice of Change in Water Right for Water Right 35-10967 was filed with the Idaho Department of Water Resources on January 30, 2009. IDWR responded with its notice that IDWR refused to transfer the ownership of Water Right 35-10967 because we had not provided deeds with the chain of title back to Athel L. Cornforth, and the Deed which we did submit included a parcel of land located in the SWSE quarter of Section 18, Township 5 South, Range 32 East, Bingham County, Idaho, not the SWSW quarter of Section 18, Township 5 South, Range 32 East, Bingham County, Idaho, as reflected by the IDWR's records. A copy of the IDWR's response accompanies this motion.

MOTION TO FILE LATE OBJECTION - 1

A copy of the Bingham County Master Record for RP0104902 is also attached hereto, which is the number assigned to the real property owned by Brent L. Cornforth and Connie Cornforth, husband and wife, located at Township 5 South, Range 32 E.B.M., Section 18, SWSE, Bingham County, Idaho, not Township 5 S, Range 32E, Section 18, SWSW, Bingham County Idaho, to which IDWR's records Reflect Water Right 35-10967 is appurtenant to.

Claimant requests the Court grant this 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 31 day of March, 2009.

BAKER & HARRIS



Dwight E. Baker, Esq.

CERTIFICATE OF MAILING

I certify that the 7th day of April, 2009, 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.

WARRANTY DEED

Love and Affection
For/Value Received ROY CORNFORTH, a.k.a. ATEL L. CORNFORTH, an married
man of Aberdeen, Idaho, dealing with his sole and
separate property

the grantor . . do es hereby grant, bargain, sell and convey unto

BRENT LEROY CORNFORTH and CONNIE KAY CORNFORTH, husband and
wife, as tenants in common

whose current address is

Rt. 1, Aberdeen, ID 83210

the grantees, the following described premises, in Bingham County Idaho, to wit:

Part of Section 13, Township 5 South, Range 32 East,
Boise Meridan, Bingham County, Idaho, described as:

Beginning at a point that is S 00° 40' 00" W 266.43
feet from the Northeast corner of Section 13, Township
5 South, Range 31 East, B.M. to the Northwest corner of
Section 13, Township 5 South, Range 32 East, B.M.;
thence S 01° 15' 00" E 5062.15 feet along the section
line to the Southeast corner of Section 13, Township 5
South, Range 31 East, B.M.; thence S 84° 25' 20" E
1572.92 feet to the real point of beginning; and running
thence N 03° 15' 41" W 60.67 feet along a fence line;
thence N 24° 06' 39" E 96.07 feet along a fence line;
thence N 53° 10' 41" E 64.97 feet; thence N 88° 13' 50" E
31.07 feet; thence S 52° 49' 43" E 151.42 feet; thence S
01° 47' 47" E 86.90 feet; thence S 89° 56' 16" W 248.06
feet along a fence line to the point of beginning, containing
0.805 acres more or less.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee ,
their heirs and assigns forever. And the said Grantor do hereby covenant to and
with the said Grantee S, that he is the owner in fee simple of said premises; that they are free
from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: Nov 16, 1982

Roy Cornforth a.k.a. ATEL L. Cornforth
ROY CORNFORTH, a.k.a. ATEL L. Cornforth

STATE OF IDAHO, COUNTY OF POWER

On this 16th day of November 1982,
before me, a notary public in and for said State, personally
appeared

Roy Cornforth, a.k.a.

ATEL L. Cornforth

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that he executed the same.

Notary Public

Residing at American Falls
Comm. Expires Life

BRINGHAM COUNTY RECORDER
CLERK

82 NOV 19 AM 6 41

RECORDED AT THE REQUEST OF



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

February 11, 2009

DAVID R. TUTHILL, JR.
Director

Cutter Cornforth
2344 W 1500 S
Aberdeen ID 83210

RE: Change in Ownership for Water Right No. 35-10967

Dear Mr. Cornforth:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

XXX 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

During our review of the documentation you submitted we found some discrepancies between that documentation and the legal description of the place of use for the water right(s) indicated in your notice. I have enclosed a copy of the water right(s) for your reference.

The deed submitted with your ownership change is a parcel of land located in the SW SE quarter of Section 18, 5 South, Range 32 East which is not appurtenant to the place of use for water right number 35-10967. The place of use for water right 35-10967 is in the SW SW quarter of Section 18, 5 South, Range 32 East.

Please submit a deed for ground matching the elements of the water right, along with a chain of title back to Athel L Cornforth.

Or

If you believe the elements of the water right are incorrect, please file a motion to set aside the partial decree with the court, in order to correct the place of use.

Because the Department cannot process the ownership change without proper documentation and fees, we will hold any action on your notice pending receipt of the necessary information or fees. If we do not receive the necessary information or fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact the Department if you have any questions.

Sincerely,


Jonie Barg
Technical Records Specialist

Enclosure(s)

cc: Baker and Harris



PROPERTY MASTER

06/12/2008

Year 2007	Parcel # RP0104902	Parcel Status Active	Property Type Real	Reappraisal Year 2005
Location Code	Code Area 018000	Parcel Type	Appraiser SW	Physical Inspection 01/22/2005

Physical Location	
Address	2370 W 1500 S ABERDEEN ID 83210-0000
Group Type	SECT
Group #	045083
Description	T5S R32E SEC 18
Zoning	A
Township/Range/Section	5S 32E 18

Primary Owner/Contact Information	
Name	CORNFORTH BRENT L 2370 W 1500 S ABERDEEN ID 83210-3105
Legal	T5S R32E SEC 18 T-8200
Deed Reference No:	592213 03/19/2008

Additional Owners/Contacts	
CORNFORTH CONNIE	

Solid Waste	
Unit 1	Type A

Photo & Map	
Photo:	PHOTO #143-B
Map:	

Property Values	Status	State Cat. Code	Acres	Assessed Value	Assessment Roll	Property Occupancy	Valuation Method
	Active	12	0.800	13,750	Primary	Non-Occupancy	LAND BASE
	Active	34		60,464	Primary	Non-Occupancy	COST
	Totals		0.800	74,214 (37,107)	Total Values Less Homeowner's Exemption		
				37,107	Taxable Value		

Land Base Cost	Value Classification			Sq. Ft. / Acres	Value Per Acre	Market Value
	Cat	Loc	Class/Type			
	12	B	IMP	0.800	13,750.00	13,750.00
		Totals	0.800	13,750.00	13,750.00	