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APR 07 2009

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	35-10966
	)		
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, 2001. Brent Cornforth was appointed personal representative of his father's Estate on the 7th day of January, 2002. Athel L. Cornforth's Estate was settled, and the assets of the Estate were transferred to his surviving spouse, Inez Cornforth (Personal Representative's Deed Instrument No. 545574). Inez Cornforth died January 1, 2008. Brent Cornforth was appointed personal Representative of his mother's Estate on the 4th day of February, 2008. Inez Cornforth's Estate was settled, and the real property to which the subject water right is appurtenant to was conveyed to Cutter Cornforth (Personal Representative's Deed Instrument No. 602830).

As a part of settlement of Inez Cornforth's Estate, a Notice of Change in Water Right for Water Right 35-10966 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 35-10966 because we had not provided IDWR with deeds with the chain of title back to Athel L. Cornforth, and the legal description on the deed we did provide did not match the place of use listed on the Water Right. A copy of the IDWR's response accompanies this motion.

A copy of the Bingham County Master Record for RP0104901 is also attached hereto, which is the number assigned by Bingham County to real property owned by Inez Cornforth, located at Township 5 South, Range 32 E.B.M., Section 18, SWSE, Bingham County, Idaho, not Township 5 S, Range 32E, Section 18 SESW, Bingham County, Idaho, to which IDWR's records reflect Water Right 35-10966 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 31st 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.

545574

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE, made this 9th day of September, in the year of our Lord, Two Thousand Four, between Brent Cornforth, the personal representative for the estate of Athel L. Cornforth, of Aberdeen, State of Idaho, the party of the first part; and Inez Cornforth, residing at 2344 West 1500 South, Aberdeen, Idaho 83210, the party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, lawful money of the United State of America, to him in hand paid by the party of the second part, the receipt of which is hereby acknowledged, does by these presents, demise, release and forever quitclaim unto said party of the second part, and to her heirs and assigns, all of his interest, if any, that certain lots, pieces, or parcels of land situated, lying and being in the County of Bingham, State of Idaho, the parcels bounded and more particularly described as follows, to-wit:

T5S, R32E, SEC. 18,
LOT 4; SESW LESS T-8200;
W2SE; T-2092
consisting of approximately 163.2 acres

The West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Eighteen (18) and a strip of land described as follows, to wit: Commencing at a point two hundred (200) feet due west of the Northwest corner of the Northwest Quarter of the Southeast Quarter of said Section Eighteen; thence due east two hundred (200) feet, to the said Northwest corner of the Northwest Quarter of the Southeast Quarter of said Section Eighteen; thence due south eighty (80) rods to the Northwest corner of the Southwest Quarter of the Southeast Quarter of said Section Eighteen; thence due west one hundred sixty (160) feet; thence in a northwesterly direction to the point of beginning, said strip of land lying and being on the easterly side of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section Eighteen; all in Township Five (5) South of Range Thirty-two

1. PERSONAL REPRESENTATIVE'S DEED

RECORDED IN THE RECORDS OF
BIDEE LAW OFFICE
1000 E
6097
Boothello
ID 83205
2004 SEP 21 AM 10:53
FEE 9-4596
BIDEE LAW OFFICE
BOOTHELLO ID 83205

(32) East of the Boise Meridian in Bingham County, Idaho, together with all ditches, ditch rights-of-way, water, and water-rights thereunto belonging or in anywise appertaining, and particularly seventy (70) shares of the capital stock of the Aberdeen-Springfield Canal Company, a corporation. (As shown by Warranty Deed dated November 13, 1945, recorded in book 69 at page 638, of the Bingham County Recorder).

-3075

Lot Four (4) and the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Eighteen (18), Township Five (5) South, Range Thirty-two (32), E.B.M.

Less T-8200

Part of Section 18, Township 5 South, Range 32 East, Boise Meridian, 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, Boise Meridian to the Northeast Corner of Section 18, Township 5 South, Range 32 East, Boise Meridian; thence S. 01°15'00" E. 5062.18 feet along the section line to the Southeast corner of Section 13, Township 5 South, Range 31 East, Boise Meridian; 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°00'39" E. 96.07 feet along a fence line; thence N. 63°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.

T5S, R31E, SEC. 13,
LOTS 3,4 * W2SE
consisting of approximately 125.45 acres

Lots Three (3) and Four (4); and the West One-half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Thirteen (13), Township Five (5) South, Range Thrity-one (31), E.B.M.

T5S, R32E, SEC 20
T-1629

38.63 acres, All of the NW1/4 NW1/4 Section 20, Township 5 South, Range 32 East of the Boise Meridian, except 1.37 acres deeded for Reservoir purposes.

The Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) less Reservoir, also known and described as tax #1629, of Section Twnty (20), Township Five (5) South, Range Thirty-two (32) E.B.M. Together with all water and water rights appurtenant thereto, including, but not limited to 75 shares of stock in the Aberdeen Springfield Canal Co. (As shown by Warranty Deed dated March 7, 1967, recorded as instrument no. 129464, with the Bingham County Recorder).

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances unto the said party of the second part, and to her heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Brent Cornforth
BRENT CORNFORTH

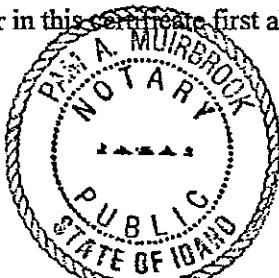
STATE OF IDAHO)
County of Bingham)
SS

On this 13th day of September, 2004, before me, a Notary Public in and for the State of Idaho, personally appeared Brent 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.

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

545574

(SEAL)



Pam A. Muirbrock
NOTARY PUBLIC FOR IDAHO
Residing at: Aberdeen
Commission Expires: 2/12/08

574650

QUITCLAIM DEED

For Value Received

Inez Cornforth

do hereby convey, release, remise and forever quit claim unto

Inez Cornforth

the following described premises, to-wit:

Part of section 18, Township 5 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as: Beginning at a point due west along the section line 1920' from the southeast corner of the southeast quarter of section 18, Township 5 South, Range 32 East, Boise Meridian; Thence N 150' along a fence line; thence W. 300' along a fence line; thence S. 150'; thence E. 300' along the section line to the real point of beginning, containing 1.03 acres more or less.

together with their appurtenances.

Dated:

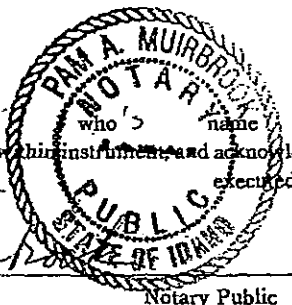
December 1, 2006

STATE OF IDAHO, COUNTY OF

On this *1st* day of *December* 20 *06*
before me, a notary public in and for said State, personally
appeared *Inez Cornforth*

known to me to be the person
is subscribed to the within instrument and acknowledged to me that *she*
the same

Residing at *Abodeen*, Idaho
Comm. Expires *2/12/08*



574650

RECORDED AT THE REQUEST OF
Inez Cornforth
2370 N 1500S
Abodeen ID 83216

2006 DEC -1 PM 1:22

FEE *5* DEP *2*

EMERSON COUNTY RECORDS
BLACKFOOT, IDAHO

RECORDING REQUESTED BY: Baker & Harris AND WHEN RECORDED MAIL TO: Baker & Harris 266 W Bridge St Blackfoot, ID 83221	Instrument # 602830 BINGHAM COUNTY 1-26-2009 04:22:28 No. of Pages: 2 Recorded for: #6297 BAKER & HARRIS SARA J. STAUB Fee: 6.00 Ex-Officio Recorder Deputy
space above this line for Recorder's use only	

Dwight E. Baker
BAKER & HARRIS
266 West Bridge Street
Blackfoot, Idaho 83221
Telephone: (208) 785-2310
Facsimile: (208) 785-6749
E-Mail: debaker@bakerharrislaw.com
Idaho State Bar No. 1350

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM
MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE OF

INEZ CORNFORTH,

Deceased.

Case No. CV-2008-310

PERSONAL
REPRESENTATIVE'S DEED

THIS DEED, made by BRENT CORNFORTH, individually and as personal representative
of the Estate of INEZ CORNFORTH, deceased, Grantor, and CUTTER CORNFORTH, a single
man, Grantee, whose address is 2344 W 1500 S, Aberdeen, Idaho 83210.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Probate
Case Number CV-2008-310, in Bingham County, Idaho; and

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

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

space above this line for Recorder's use only

Part of section 18, Township 5 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as: Beginning at a point due west along the section line 1920' from the southeast corner of the southeast quarter of section 18, Township 5 South, Range 32 East, Boise Meridian; Thence N 150' along a fence line; thence W 300' along a fence line; thence S 150'; thence E 300' along the section line to the real point of beginning, containing 1.03 acres more or less. Together with their appurtenances.

Together with the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining; subject however, to all zoning laws, city ordinances, easements, restrictive agreements and rights of ways and public roads.

with all appurtenances.

EXECUTED this 23 day of April, 2008.

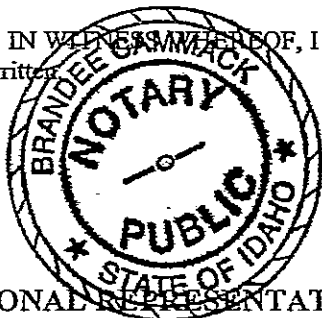
Brent Cornforth
Brent Cornforth, Individually

Brent Cornforth
Brent Cornforth, as Personal Representative
of the Estate of INEZ Cornforth

STATE OF IDAHO)
) ss:
County of Bingham)

On this 23rd day of April, 2008, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared BRENT CORNFORTH, known to me to be the Personal Representative of the Estate of INEZ CORNFORTH and the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same individually and in his capacity as Personal Representative of the Estate of INEZ CORNFORTH.

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



Brandee Cammack
Notary Public for Idaho
Residing at Blackfoot, Idaho
My Commission Expires 6/5/2009



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

Brent Cornforth
2370 W 1500 S
Aberdeen ID 83210

RE: Change in Ownership for Water Right No. 35-10966

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.

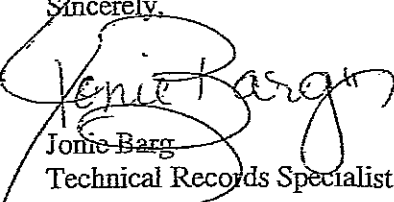
The Personal Representative deed that was submitted with the ownership change includes an exception for the appurtenant portion of the SE SW quarter of Section 18, Township 5 South, Range 32 East. The water right in question is a domestic and stockwater right appurtenant to Parcel number RP0104902. Please submit the appropriate warranty deed along with a chain of title back to Athel L Cornforth. *RP0104901*

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 # RP0104901	Parcel Status Inactive	Property Type Real	Reappraisal Year 2005
Location Code	Code Area 018000	Parcel Type	Appraiser SW	Physical Inspection 01/01/2005

Physical Location	
Address	2344 W 1500 S ID
Group Type	SECT
Group #	045083
Description	T5S R32E SEC 18
Zoning	A
Township/Range/Section	5S 32E 18

Primary Owner/Contact Information	
Name	CORNFORTH INEZ 2344 W 1500 S ABERDEEN ID 83210-3105
Legal	T5S R32E SEC 18 LOT 4; SESW LESS T-8200; W2SE; T-2092
Deed Reference No:	574650 12/01/2006

Additional Owners/Contacts	
Solid Waste	
Unit	Type
Photo & Map	
Photo:	PHOTO #0154
Map:	

Property Values	Status	State Cat. Code	Acres	Assessed Value	Assessment Roll	Property Occupancy	Valuation Method
	Active	1	119.000	80,132	Primary	Non-Occupancy	LAND BASE
	Active	2	38.000	14,720	Primary	Non-Occupancy	LAND BASE
	Active	5	1.200	70	Primary	Non-Occupancy	LAND BASE
	Active	10	1.000	10,300	Primary	Non-Occupancy	LAND BASE
	Active	19	4.000	0	Primary	Non-Occupancy	LAND BASE
	Active	31		44,950	Primary	Non-Occupancy	COST
	Active	32		1,629	Primary	Non-Occupancy	COST
	Totals		163.200	151,801	Total Values		
				0	Less Homeowner's Exemption		
				151,801	Taxable Value		

Land Base Cost	Value Classification			Sq. Ft. / Acres	Value Per Acre	Market Value
	Cat	Loc	Class/Type			
	1	2A	F01	75.000	700.00	52,500.00
	1	2B	F01	44.000	628.00	27,632.00
	2	6B	F01	7.000	575.00	4,025.00
	2	6D	F01	31.000	345.00	10,695.00
	5	6C		1.200	58.00	70.00
	10	B	1AC	1.000	5,300.00	5,300.00
	10	B	UTILIMP	0.000	5,000.00	5,000.00
	19	A		4.000	0.00	0.00
			Totals	163.200	12,606.00	105,222.00