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DEPARTMENT OF
WATER RESOURCES

11-30

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)
)
Case No. 39576)
_____)

Subcase 41-4009

MOTION FOR LEAVE TO FILE:
LATE OBJECTION

Comes now the party/claimant filing this Motion for leave to file a Late Objection, and requests the Presiding Judge or Special Master grant claimant additional time to file Objection to the Directors Report. Said Motion to File a late objection is well grounded in fact and is a good faith request based upon the serious ill health and medical incapacity of the claimants during the period of time allowed for filing objection.

Attached are verifying affidavits of claimant and claimants attorney.

Dated this 19th day of November 2011.

Kim R. Kildew
Kim R. Kildew

VERIFICATION

State of Idaho
County of Ada

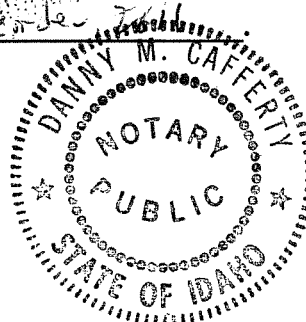
Kim Kildew, being first duly sworn, upon oath, deposes and says:

That I am the attorney for the party/claimant filing this motion for Late Objection to Directions Report and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Kim Kildew
Attorney signing in representative capacity

Subscribed and sworn to before me on the 17th November 2011

Notary Republic for State of Idaho.
Residing at: Boise.
My Commission Expires: July 20 2016.



AFFIDAVIT OF KIM KILDEW

The undersigned do hereby swear upon penalty of perjury that the following facts and statements are true and correct.

1. My name is Kim Kildew, and I am the son and attorney for John Kildew claimant under water right subcase #41-4009.
2. The Idaho Department of Water Resources (IDWR) on May 26, 2011 filed a Recommendation of Water Rights acquired under State Law regarding right number 41-4009.
3. My father John, has been very sick for a number of years due to the lung disease emphysema. During the past several months his health has deteriorated substantially.
4. He fell in an irrigation ditch and broke several ribs which made breathing nearly impossible. He also contracted pneumonia. He could not be more ill.
5. He and my mother have been fighting the fight for life not the fight over water rights for some time now and have not been available for or had the energy to file an objection to IDWR'S recommendation.
6. My father and mother submit these final documents and affidavits in the hopes that the Special Master, IDWR and Court will reconsider the Recommendation of IDWR and modify such recommendation to comport with the accompanying affidavits filed by Kildews in support of said Objection to Recommendation.

Dated this 28th day of November 2011.



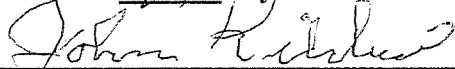
Kim Kildew

**AFFIDAVITS of JOHN KILDEW and JACKIE KILDEW
IN SUPPORT OF Motion to File Late Objection**

We the undersigned do hereby swear upon penalty of perjury that the following facts and statements are true and correct.

1. My name is John Kildew. I am an 84 year old farmer and I and my wife Jackie are the claimants in subcase 41-4009.
2. That at present and during the preceding months which comprised the time period to file an Objection to the Directors Report Recommendation that my personal health and wellbeing have deteriorated substantially. I fell in the irrigation ditch tripping over my emphazema induced oxygen hose. In the fall I broke several ribs. The broken ribs substantially inhibited my already compromised breathing. The broken rib infection caused pneumonia in my right lung. I have been in the hospital or doctors' offices during most of the past several months. My wife has been responsible in getting me fed, clothed and in and out of bed and to these doctors' office. Each trip is over 100 miles round trip from our farm in Rockland.
3. I have had no time, energy or resources to pursue the objection to the IDWR recommendation filed in May.
4. I have virtually no ability to continue this request for additional water rights as previously requested.
5. The director's recommendation of .310 cfs is not enough water to irrigate and raise an adequate grain or hay crop on our 55 acre field on the south side of Rock Creek. I have been running two quarter mile hand lines on this field from the pump out of the creek for many many years. I started this in 1963. The director's recommendation said 1970. That is incorrect.
6. My wife Jackie and my sons John and Kim both helped farm and water this land since we first broke this field out of sage brush in the 60's.
7. I estimate the water pressure on the mainline to have been 55 to 60 pounds in order for those two lines to run properly and water the fields to produce crops.
8. My name is Jacqueline Kildew and all the statements and facts of this affidavit are true and correct.

Dated this 23 day of November 2011.



John Kildew



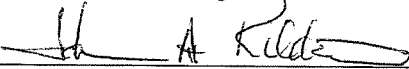
Jacqueline Kildew

**AFFIDAVIT of JOHN ALLEN KILDEW
IN SUPPORT OF Objection to Recommendation
Sub Case # 41-4009**

The undersigned does hereby swear upon penalty of perjury that the following facts and statements are true and correct.

1. My name is John A. Kildew. I am a retired Air Force Colonel and have been familiar with the subject water claim and irrigation system since the age of 11.
2. This affidavit supplements my affidavit dated 23 May 2011.
3. As previously stated the pump placed in Rock Creek, initially a 7.5 horse pump, then upgraded to a 10 horse shortly after, charged sixty six (66) sections of 40 foot 4 inch diameter hand line irrigation pipe.
4. The pump created enough pressure to charge 66 pipe with an average overspray of about 10 feet. The pump and hand line system did a very good job of irrigating the entire field allowing us to grow alfalfa hay or barley and wheat feed grains.
5. My estimate of the mainline water pressure was between 55 and 60 psi.

Dated this 23rd day of November 2011.



John A. Kildew

**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)
)
Case No. 39576)
_____)

Subcase 41-4009

OBJECTION TO IDWR RECOMMENDATION

Comes now the party/claimants in the above entitle case and Object to the Idaho Department of Water Resources Recommendation of Water Rights Acquired under State Law.

B. Name and Address of Persons Objecting

John Kildew
Jacqueline Kildew
P.O. Box 333
American Falls, ID 83211
Phone: (208) 548-2396

Attorney:

Kim Kildew
410 South Orchard St. #176
Boise, ID 83705
Phone (208) 344-1096

C. Claimant:

John Kildew
Jacqueline Fae Kildew
P.O. Box 333
American Falls, ID 83211

D. We object to the following elements of the recommendation in the Directors Report.

1. Priority Date: Should be May 1, 1963.
2. Quantity should be 75 cfs.

E. Reason Supporting Objections: See attached affidavits of John Kildew, Jacqueline Kildew and John A. Kildew

VERIFICATION

State of Idaho)
) ss.
County of Ada)

John Kildew and Jacqueline Kildew, duly sworn, upon oath, deposes and says:

That we are the party/claimants filing this objection as defined by I.C. Section 42-1401A(1) and (6) and that we have read this objection and attached affidavits, know their contents and believe that the statements are true to the best of our knowledge.

John Kildew

John Kildew

Jacqueline Kildew

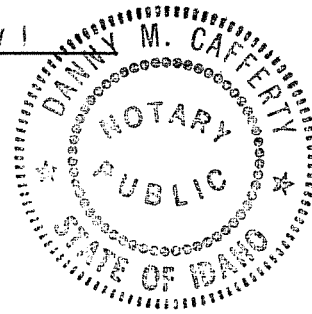
Jacqueline Kildew

Subscribed and sworn to before me on: Nov. 17, 2011

by me
Notary Public for State of Idaho

Residing at: Brick

My Commission Expires: July 20, 2016



Dated this 17th day of November 2011.

VERIFICATION

State of Idaho
County of Ada

Kim R. Kildew, being first duly sworn, upon oath, deposes and says:

That I am the attorney for the party/claimant filing this motion for Late Objection to Directions Report and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Kim R. Kildew

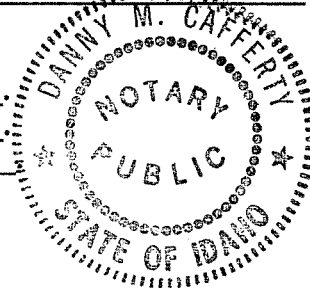
Attorney signing in representative capacity

Subscribed and sworn to before me on the 17th November 2011

by me
Notary Republic for State of Idaho

Residing at: Brick

My Commission Expires: July 20, 2016



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on NOVEMBER 28, 2011, I mailed the original and copies of this objection, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

Name: JOHN KILBEN

Address: PO BOX 333
TWIN FALLS ID. 83211

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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


Signature of objector or attorney
mailing on Objector's behalf