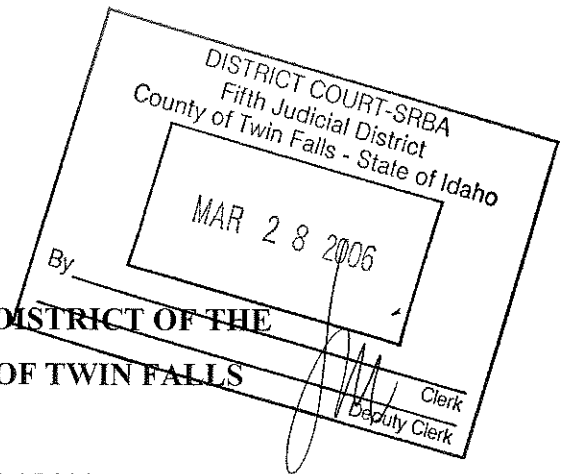




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) Subcase No.: 85-15644
)
) NOTICE SETTING HEARING ON
) MOTION FOR RECONSIDERATION
) RE: ORDER DISMISSING MOTION
) TO FILE LATE NOTICE OF CLAIM
)

On March 23, 2006, an *Order Dismissing Motion to File Late Notice of Claim* was filed in the above-captioned water right number. On March 28, 2006, claimant Cherrylane Ranches, Inc., filed a *Motion to Reconsider Dismissal of Late Notice of Claim* in said water right number.

NOTICE IS GIVEN that hearing on the *Motion for Reconsideration* is set for **Tuesday, April 18, 2006, at 1:30 p.m. Mountain Standard Time, at the Snake River Basin Adjudication District Court, 253 3rd Avenue North, Twin Falls, Idaho.** Parties may participate by telephone by dialing the number 1-918-583-3445 and when prompted entering code 406128.

Failure of the claimant or claimant's attorney to appear at said hearing, in person or by telephone, may result in the dismissal of the *Motion*.

DATED March 28, 2006.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE SETTING HEARING ON MOTION TO RECONSIDER DISMISSAL OF LATE NOTICE OF CLAIM was mailed on March 28, 2006, with sufficient first-class postage to the following:

CHERRYLANE RANCHES INC
C/O DON A KERBY
19315 KERBY LANE
LENORE, ID 83541
Phone: 208-746-9891

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 28 2006

By _____ Clerk
Deputy Clerk

Subcase No.: 85-15644
Motion to Reconsider Dismissal of Late Notice of Claim

Please accept this motion to reconsider the dismissal order dated March 23, 2006 of the *Motion to File a Late Notice of Claim*.

As the order dismissing the late notice of claim states, Cherrylane Ranches filed a *Motion to File a Late Notice of Claim* on November 10, 2005, a hearing was set for February 21, 2006 and I failed to call in at the required time - I had blocked out an hour of time for that hearing on Pacific time rather than Mountain Standard time. Apparently another hearing was scheduled for March 21, 2006 and I did not call in, because I was unaware that a hearing had been rescheduled for that date.

Your honor, this is a misunderstanding. Cherrylane Ranches, Inc. has other water rights within the SRBA. Most have been resolved, but 85-02173A and 85-15644 are related to one another, therefore I have maintained an objection to 85-02173A until 85-15644 is resolved. My notes and calendar showed the next hearing set for March 13, 2007 at 10AM. It was my understanding that 85-15644 could not be resolved until it was published in the amended directors report and that would not come out until February 2007. Furthermore, I did not receive correspondence notifying me of the March 21, 2006 hearing.

I truly was unaware of the March 21, 2006 hearing and thought that I understood that there would be no further action until March 13, 2007. On that basis, please reconsider your decision to dismiss our *Motion to File a Late Notice of Claim*.

Submitted by: Don A. Kerby, Vice President
for Cherrylane Ranches, Inc.

Don A. Kerby

**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 <u>85-1644</u>
	)	(Insert water right number)
	)	
Case 39576	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE:
	)	☒ LATE NOTICE OF CLAIM
	)	☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a ~~separate~~ **form for each** late or amended Notice of Claim.

This form has been adopted by the court in ***SRBA Administrative Order 1, Rules of Procedure*** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is Don A. Kerby - for Cherrylane Ranches, Inc

My address is 19315 Kerby Lane
Lenore ID 83541

My phone number is: Work (208) 746-9891 Home (208) 276-5343

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

Please Reference Attached Motion to Reconsider
and Reference late Notice of Claim Dated
Nov 10, 2005.