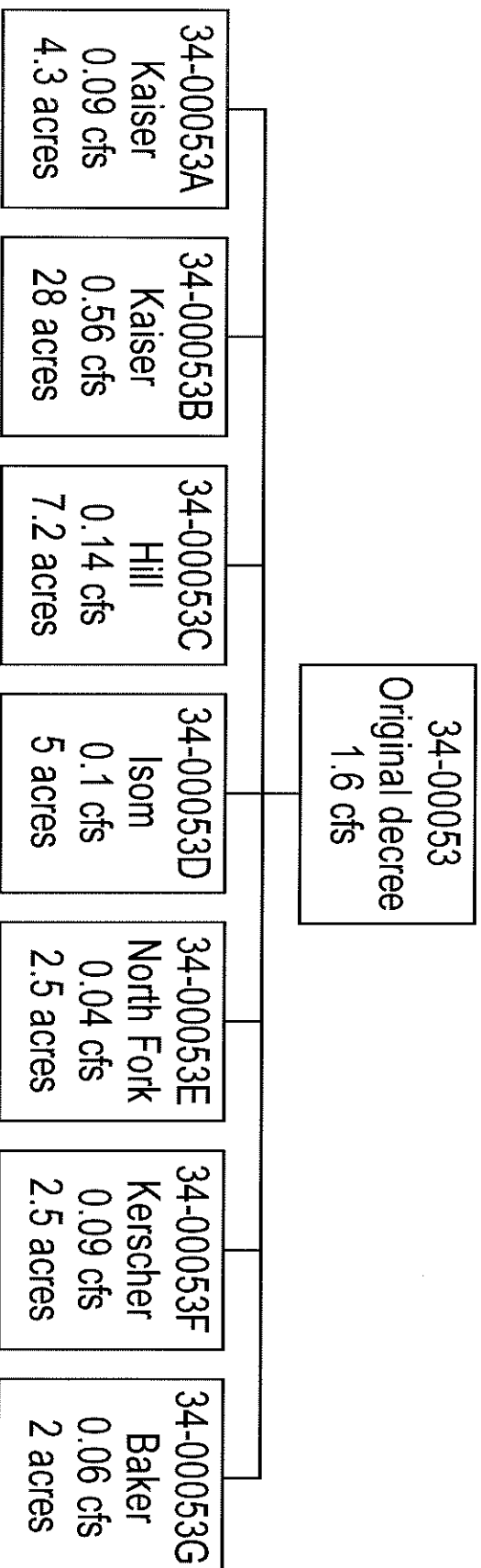




Claim No.	Q (cfs)	POU (acres)	Q per acre
53A	0.09	4.3	0.021
53B	0.56	28.0	0.020
53C	0.14	7.2	0.019
53D	0.1	5.0	0.020
53E	0.04	2.5	0.016
53F	0.09	2.5	0.036
53G	0.06	2.0	0.030

Total Q = 1.080
Total Acres = 51.5
Ave. Q per Acre = 0.021

Claim No(s). A34-00053F

Claim No(s). A34-00053F

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

April 27, 1999

KARL J. DREHER
DIRECTOR

JOSEPH R OR JANE KERSCHER
759 S STOUT
BLACKFOOT ID 83221

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim #A34-00053F

Dear Mr. and Mrs. Kersch:

Your Notices of Claim to a Water Right for your property in Custer County was received from the SRBA Court recently. I have enclosed your receipt #C045238 for your records.

Your Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/327-7932 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Donald V. Shaff', is written over a horizontal line.

Donald V. Shaff
Manager, Adjudication Section

DVS:ss:region

Enclosure:

Receipt #C045238

1997 APR 20 PM 3:17

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

**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

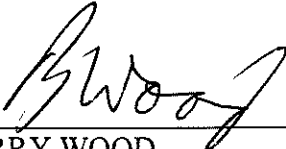
Subcase No. 34-00053F

**ORDER GRANTING MOTION
TO FILE LATE NOTICE OF CLAIM**

On January 15, 1999, a Motion to File Late Notice of Claim was filed by Joseph and Jane Kersch. All procedural requirements under *Administrative Order 1* were complied with in filing this *Late Notice of Claim*. No valid objections were made to this *Late Notice of Claim*. The Motion is GRANTED.

IT IS SO ORDERED.

DATED April 20, 1999



BARRY WOOD
Administrative District Judge
Interim Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that true and correct copies of the **ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM** were mailed on April 22, 1999, with sufficient, first-class postage to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720

NOTICE OF CLAIM FORWARDED

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

United States Dept of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Joseph R. & Jane Kerscher
759 S Stout
Blackfoot, ID 83221


Deputy Clerk

RECEIVED

JAN 19 1999

Department of Water Resources

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 34-00053F
(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).

x My name is JOSEPH R. OR JANE KERSCHER

x My address is 759 So. STOUT BLACKFOOT ID 83221

x My phone number is: Work NA Home 208-785-2372

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 WAS TOLD BY THE WATER DEPARTMENT IN BOISE THAT THE ENTIRE 80 ACRES OF THE ORIGINAL HOMESTEAD HAD BEEN FILED UNDER ONE CLAIM. THIS TURNED OUT TO BE NOT CORRECT

☐ 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.)

COPY OF LETTER FROM WATER DIST #34, P.O. Box 53
Mackay, Id. Dated 6-29-95

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 103.00. *APR 1-14-98*
CK# 533
\$103.00

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on APRIL 20, 1999
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim.
You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of IDCounty of Bingham

Joseph B. Knacker, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Joseph B. Knacker
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on January 13, 1999
(Insert Date)

William D. Thompson
Notary Public for Idaho
Residing at: Blackfoot
My Commission expires: 8-27-99

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. FAX filings will not be accepted by the SRBA Clerk of the Court. You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on _____, 199__, 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

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

Signature of person or attorney mailing the form

RECEIVED

JAN 19 1999

Department of Water Resources

WATER DISTRICT #34
P.O. Box 53
MACKAY, IDAHO 83251

6/29/95

Joseph R. & Jane Kerscher
211 Collins Street
Blackfoot, Idaho

RE: Water Rights

Dear Mr. & Mrs. Kerscher,

Thank you for stopping by and leaving the proof of your purchase of property from Mr. Isom. Mr. Rosenkrance (Watermaster) has looked this information over and it appears that the water rights that go with your property have never been changed from Mr. Isom's name to yours.

It may also be that the readjudication for some of Mr. Isom's water rights has never been done.

We do show water right #34-000530 for Mr. Isom as having been readjudicated, but it shows it goes to only 5 acres.

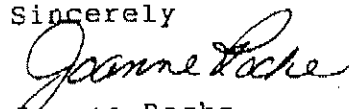
You mentioned to me that someone had told you that the entire 80 acres had been done all at one time as far as adjudicated. This does not appear to be the case. Our books from IDWR at Boise may not have all the readjudications in them or completely updated if this was done after they printed the books. In any case, you will need to pursue this with the Idaho Department of Water Resources and see what you will need to do to file a late filing.

I will enclose a paper with the mailing addresses for IDWR at either Idaho Falls, or Boise. I think you should start with Idaho Falls and see if they can direct you on what you should do from here.

I do not believe that the 5 acres that have been readjudicated under Mr. Isom's name is for the property that you own. We do here at the Water Dist. #34 office show you on our computer. We have assessed water charges to your name and have been aware that you are the owner of the property and that water rights go with it. This should help your case when you approach the IDWR about a late filing.

Please contact our office if we can be of further assistance.

Sincerely



Joanne Roche
for Doug Rosenkrance
Watermaster Water Dist. #34
Mackay, Idaho 83251