

01/26/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 34-53F
NAME AND ADDRESS: JOSEPH R KERSCHER
759 S STOUT
BLACKFOOT ID 83221
JANE KERSCHER
759 S STOUT
BLACKFOOT ID 83221

SOURCE: NORTH FORK BIG LOST RIVER TRIBUTARY: BIG LOST RIVER
QUANTITY: 0.090 CFS
PRIORITY DATE: 05/01/1880
POINT OF DIVERSION:
T07N R19E S26 NENWSE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	5/01 10/15	0.090 CFS
THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.		

PLACE OF USE: IRRIGATION Within CUSTER County
T07N R19E S26 NESE 0.5 T07N R19E S26 NWSE 2.0

2.5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

PROPERTY IS ALSO KNOWN AS THE WEST HALF OF LOT 7 HOMESTEAD
ENTRY NO. 423.

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

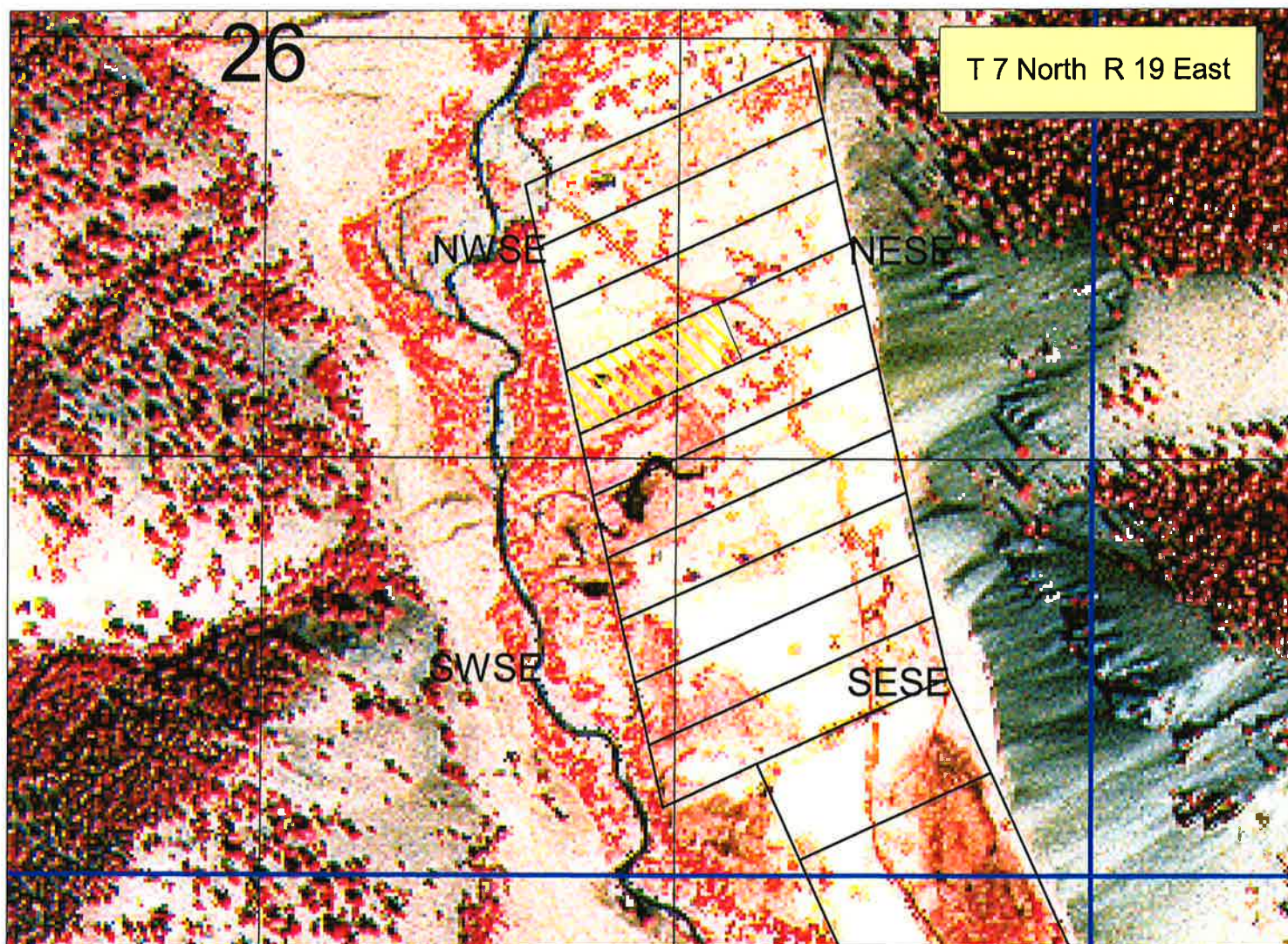


State of Idaho

Division of Water Resources

Eastern Region

Water Right(s): 34-00053F



1320 0 1320 Feet

-  Place of Use
-  Homestead Entry No. 423
-  Section
-  Quarter Quarter

SCANNED
FEB 06 2008



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: January 2004

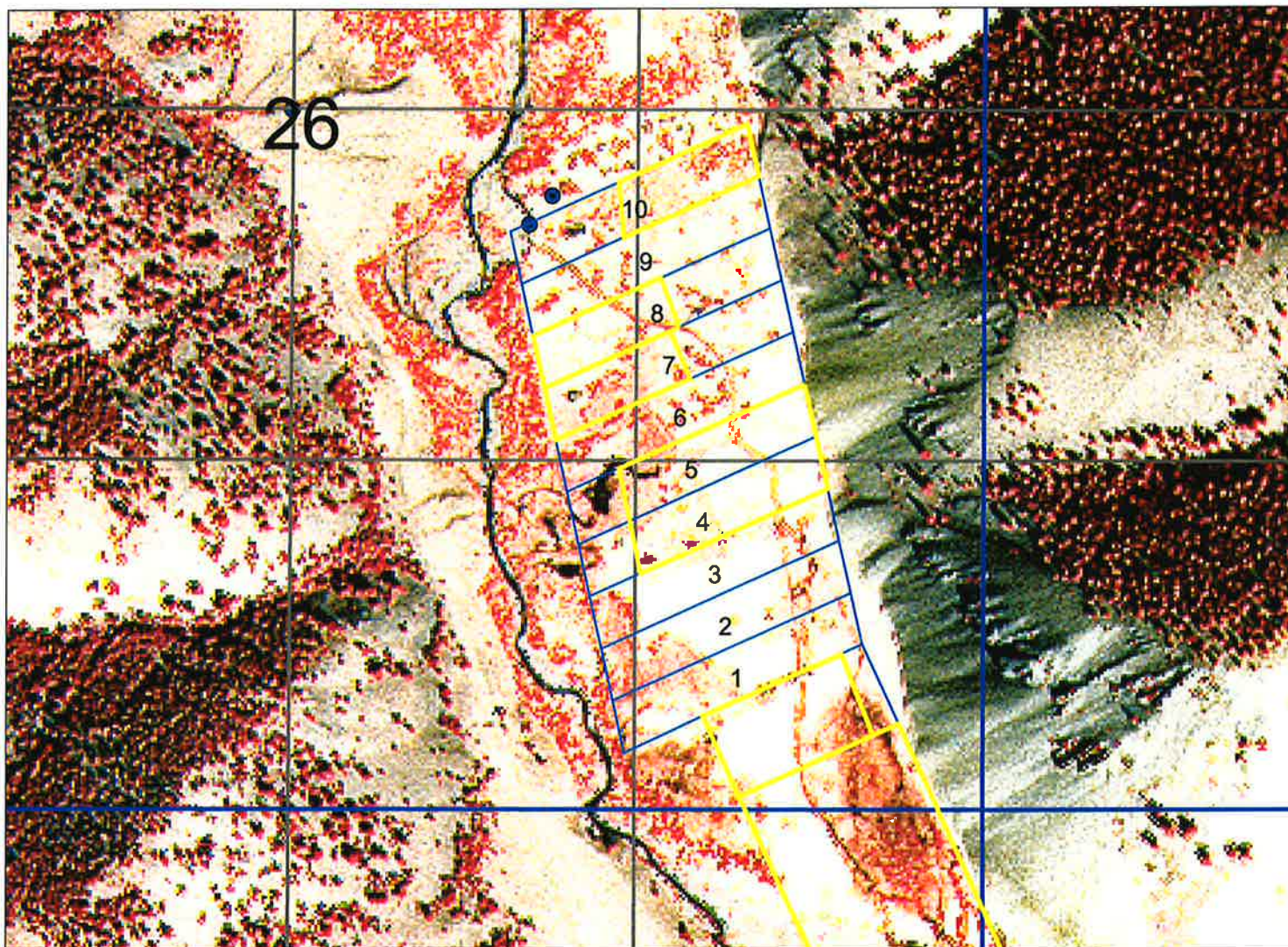


State of Idaho

Division of Water Resources

Eastern Region

Water Right(s): 34-53F



Acres Irrigated = 2.5



-  Copyhes423.shp
-  HES 423
-  Sections
-  Quarter Quarter
-  POD - AJ RecRecommendation POD

400 0 400 800 1200 Feet



SCALED
FEB 1

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: September 2003

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 10/19/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOSEPH R KERSCHER	05/01/1880	IRRIGATION	05-01 10-15	0.090 CFS	
C	JANE KERSCHER 759 S STOUT BLACKFOOT ID 83221 (208) 785-2372					
TOTAL DIVERSION:					0.090 CFS	

Water Source: BIG LOST RIVER, NORTH FORK Tributary to: BIG LOST RIVER Stage: DECREED
Point(s) of Diversion: T07N R19E S26 NENWSE CUSTER County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM			
07N	19E	26	:															:				
																			.5	02		2.5
																			TOTAL ACRES			2.5

POU County: CUSTER

Conditions of Approval:

- C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
- ADMINISTRATION OF THE WATER RIGHTS.

Remarks: GEN PROPERTY IS ALSO KNOWN AS THE WEST HALF OF LOT 7 HOMESTEAD
ENTRY NO. 423.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 34 Field Inspection Flag:
Presumption Flag:

Splits: 53A through 53G

POD

A decreed

7N 19E 536 NENWSE

B "

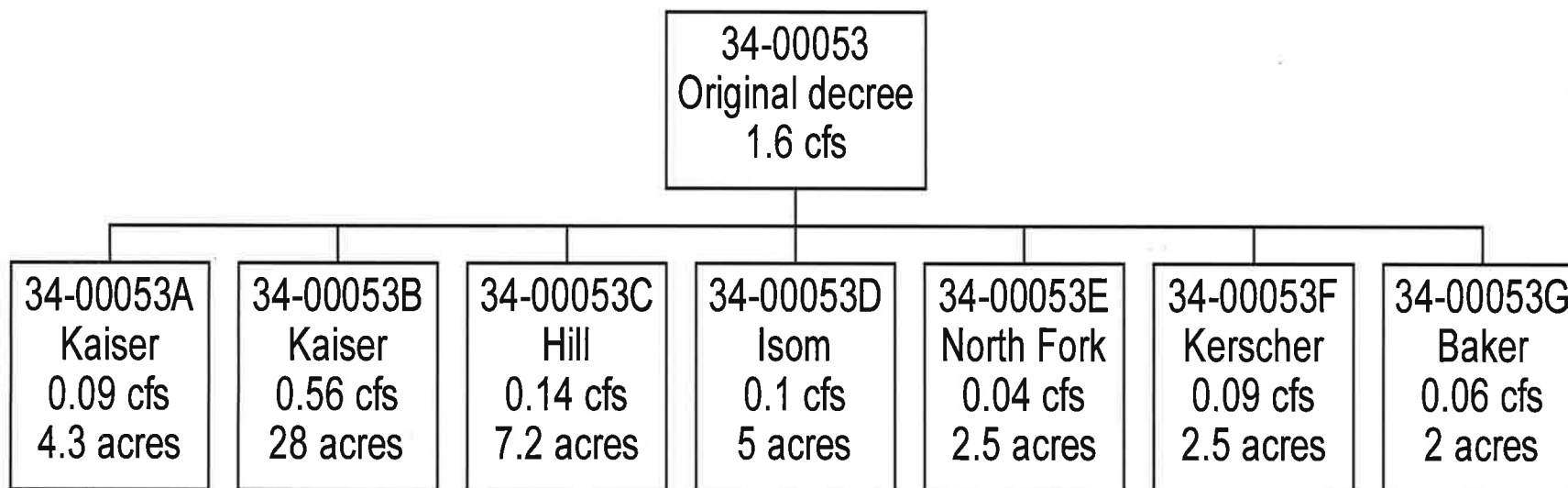
C "

D "

E "

F

G reported 11/00



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

[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. Kerscher:

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,

Donald V. Shaff
Manager, Adjudication Section

DVS:ss:region

Enclosure:

Receipt #C045238

SCANNED
FEB 05 2000

1999 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

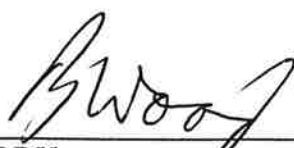
ORDER GRANTING MOTION
TO FILE LATE NOTICE OF CLAIM

On January 15, 1999, a Motion to File Late Notice of Claim was filed by Joseph and Jane Kerschner. 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. AP 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:

VERIFICATION (Must be completed)

State of IDCounty of Bryson

Joseph B. Kuscher, 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. Kuscher
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.

Late fee 50⁰⁰
claim fee 53⁰⁰
103⁰⁰

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A34-00053F

Date Received: 3/29/1995

Receipt No: 0045238

Received By: [Signature] 4/26/99

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOSEPH R KERSCHER 208-785-2372
Address: 759 S STOUT
BLACKFOOT ID 83221
OR
Name: JANE KERSCHER 208-785-2372
Address: 759 S STOUT
BLACKFOOT ID 83221

2. Date of Priority: MAY 1, 1880

3. Source: BIG LOST RIVER, NORTH FORK Trib. to: BIG LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	19E	26	NE	NW	SE		CUSTER

5. Description of diverting works:
HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/15	0.090		

7. Total Quantity Appropriated is:
0.090 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	19E	26	NE	SE		IRR	0.5

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	19E	26	NW SE		IRR	2.0
Section Acres						2.5
Total Acres						2.5

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

PROPERTY IS ALSO KNOWN AS THE WEST HALF OF LOT 7 HOMESTEAD
ENTRY NO. 423.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Joseph B. Kirschner Date: 1/12/99
Jane Kirschner Date: 1-12-99

State of Idaho

County of Bingham)
) SS.

Subscribed and sworn (or affirmed) before me this 13 day

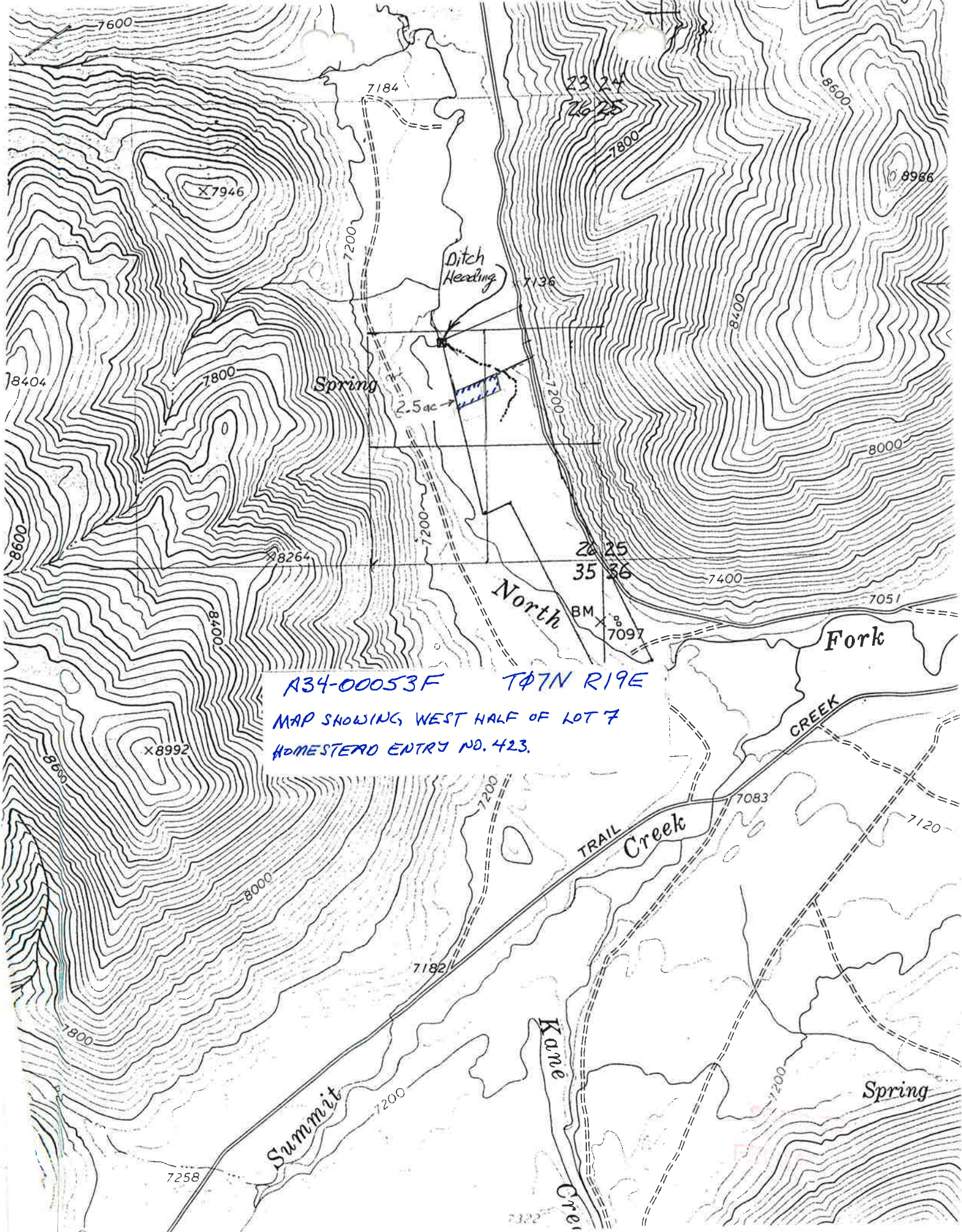
of January 19 99

William D. Thompson
Notary Public

Seal

Residing at Blackfoot

My Commission Expires 8-27-99



A34-00053F T47N R19E

MAP SHOWING WEST HALF OF LOT 7
HOMESTEAD ENTRY NO. 423.