

00727203

COPY

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 86-11972

(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 Ron Lohman

My address is 13041 Shadow Lane Kendrick D.L. 93537

My phone number is: Work Retired Home (208) 289-4878

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:

Unaware it was necessary advised by
legal counsel to file due to possible
subdivision going in to Area

☐ 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.)

Enclosed is the Notice of Claim, well Driller's report
map (area) + statement regarding intended
well

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 \$ 100.
- ☐ 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 \$ _____.

Follow these instructions regarding the hearing on this motion.

*called
12/25/06*

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 JANUARY 16th at 1:30 pm MT.
(Insert Date and Time) *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 Idaho

County of Nez Perce

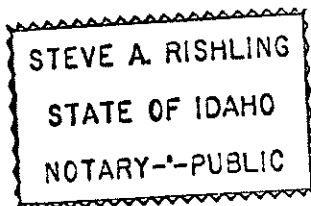
Ron Lohman, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Ron Lohman
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 10/25/06
(Insert Date)



[Signature]
Notary Public for Idaho
Residing at: Julietta
My Commission expires: 8/7/2012

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 10/25/06 ²⁰⁰⁶ ~~100~~, 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:

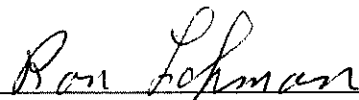
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

OCT 27 2008

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

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMIdentification No. 86-11972

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

- Name of Claimant (s) RON Lohman Phone (208) 289-4848
Mailing Address 13041 Shadow Lane Kendrick Idaho Zip 83837
- Date of Priority (Only one per claim) MARCH 13, 1981 (A-140) Month/Day/Year
MARCH 15, 1895 (range 09)
- Source of water supply (Check one) (X) Groundwater or Other () (a) Well (2) Drilled + Hand Dug Name or kind of source
which is tributary to (b) Potlach River - Clearwater
- Location of point of diversion is: Township 38 Range 2 W B M
Section 36 , N 1/4 of NW 1/4 of NW 1/4, Govt. Lot _____, BM.,
County of Nez Perce
Additional points of diversion if any: 220' South West of Drilled Well - see attached
- Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. See attached Well report & Statement - map
- Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For Domestic purposes from 1-1 Month/Day to 12-31 Month/Day amount .04 (cfs)
(Both dates are inclusive)
For Stockwater purposes from 1-1 to 12-31 amount .04
- Total quantity claimed .08 (cfs) — Both wells .04/well
- Total consumptive use claimed is de minimus
- Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 2 House Holds, up to 10 Farm Animals
(Horses, sheep, cattle, pigs, etc).

10. Place of use is: Township: 38 Range 2 W Bm
Section 36 N, NW 1/4 of NW 1/4, Govt. Lot _____, B.M.,

for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? Nez Perce

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

() None or Old hand dug well, in addition to drilled well,

14. Remarks: Drilled Well For Newer residence in 1981 as primary
source of water, still use "hand dug" for Guest house stock & as
a backup source.

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

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

Number of Attachments 3 - Statement on Hand dug well, Well Drillers report
& map locating well

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Ron Lohman Date 10/25/06

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

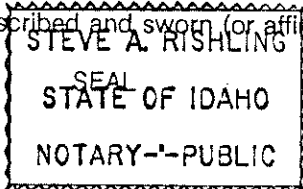
State of Idaho/or Idaho)

County of Latah)

SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 25th day of October 2006



Notary Public Steve A. Rishling

Residing at Juliette Dr. #2535

My Commission Expires 8/7/2012

Last Name Lohman Ident No. 86-11972
Copies: White-State, Yellow-Claimant

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

USE TYPEWRITER OR
BALLPOINT PEN

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.



1. WELL OWNER Name <u>Ron Lohman</u> Address <u>Cameron Idaho</u> Owner's Permit No. <u>86-81-N-12</u>	7. WATER LEVEL Static water level <u>127</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow <u> </u> Artesian closed-in pressure <u> </u> p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature <u>50</u> °F. Quality <u>good</u>																																																																
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) <u> </u>	8. WELL TEST DATA <u>12 gpm.</u> ☐ Pump ☐ Bailor ☒ Air ☐ Other <u> </u> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped																																																													
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3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other <u> </u> (specify type)	9. LITHOLOGIC LOG <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Hole Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th colspan="2">Water</th> </tr> <tr> <th>From</th> <th>To</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>6</td> <td>0</td> <td>16</td> <td>Over Burden</td> <td></td> <td>X</td> </tr> <tr> <td></td> <td>16</td> <td>56</td> <td>Basalt</td> <td></td> <td></td> </tr> <tr> <td></td> <td>56</td> <td>93</td> <td>Lava</td> <td></td> <td></td> </tr> <tr> <td></td> <td>93</td> <td>108</td> <td>Basalt</td> <td></td> <td></td> </tr> <tr> <td></td> <td>108</td> <td>118</td> <td>Lava</td> <td></td> <td></td> </tr> <tr> <td></td> <td>118</td> <td>138</td> <td>Basalt</td> <td></td> <td></td> </tr> <tr> <td></td> <td>138</td> <td>152</td> <td>Lava</td> <td>X</td> <td></td> </tr> <tr> <td></td> <td>152</td> <td>157</td> <td>Clay</td> <td></td> <td>X</td> </tr> <tr> <td></td> <td>157</td> <td>158</td> <td>Lava</td> <td></td> <td></td> </tr> </tbody> </table>	Hole Diam.	Depth		Material	Water		From	To	Yes	No	6	0	16	Over Burden		X		16	56	Basalt				56	93	Lava				93	108	Basalt				108	118	Lava				118	138	Basalt				138	152	Lava	X			152	157	Clay		X		157	158	Lava		
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4. METHOD DRILLED ☐ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other <u> </u>	5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other <u>PVC</u> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>1250</u> inches</td> <td><u>6</u> inches</td> <td><u>2</u> feet</td> <td><u>18</u> feet</td> </tr> <tr> <td><u>1250</u> inches</td> <td><u>4</u> inches</td> <td><u>11</u> feet</td> <td><u>158</u> feet</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> Was casing drive shoe used? ☐ Yes ☒ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☒ Yes ☐ No <u>SK-L Saw</u> How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation <u>1/8</u> inches by <u>6</u> inches <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>30</u> perforations</td> <td><u>128</u> feet</td> <td><u>158</u> feet</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> Well screen installed? ☐ Yes ☐ No Manufacturer's name <u> </u> Type <u> </u> Model No. <u> </u> Diameter <u> </u> Slot size <u> </u> Set from <u> </u> feet to <u> </u> feet Diameter <u> </u> Slot size <u> </u> Set from <u> </u> feet to <u> </u> feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel <u> </u> Placed from <u> </u> feet to <u> </u> feet Surface seal depth <u>18</u> Material used in seal: ☐ Cement grout ☒ Puddling clay ☐ Well cuttings Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☐ Welded ☒ Solvent Weld ☐ Cemented between strata Describe access port <u> </u>	Thickness	Diameter	From	To	<u>1250</u> inches	<u>6</u> inches	<u>2</u> feet	<u>18</u> feet	<u>1250</u> inches	<u>4</u> inches	<u>11</u> feet	<u>158</u> feet									Number	From	To	<u>30</u> perforations	<u>128</u> feet	<u>158</u> feet																																						
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6. LOCATION OF WELL Sketch map location must agree with written location. Subdivision Name <u> </u> Lot No. <u> </u> Block No. <u> </u> County <u>NE Perce</u> <u>NE</u> 1/4 NW 1/4 Sec. <u>36</u> T. <u>38</u> N. R. <u>2</u> W.	10. Work started <u>March 11, 81</u> finished <u>March 12, 81</u> 11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Burns Well Drilling</u> Firm No. <u>103</u> Address <u>212 B4 81-C</u> Date <u>4-15-81</u> Signed by (Firm Official) <u>G.R. Burns</u> and (Operator) <u>William P. Burns</u>																																																																

*Lohman
289-
4875*

The domestic hand dug well is 50 feet from the old house and about 220 feet south-west of our drilled well. The hand dug well is 32 feet deep and the dimensions are 5 feet by 5 feet square. My father (Ervin J. Lohman) estimated that the well put out 3 gallons of water per minute. This water supplied to the house and livestock. No outside watering was done.

I was three years of age in 1940 when we moved into the house and used the well which at that time was owned by Harold Uglems father. Before that the house was lived in by the Betts family and the Gerry family before that.

My father did buy the 160 acres of land and the house from the Uglem estate in the year 1976. *It is estimated the hand dug well was put into use in 1895 (approx.)*

Ronald Lohman

A parcel of land situated in the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$
and the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of section 36, Township
38 North, Range 2 West, Boise Meridian, Nez Perce County, Idaho.

