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MAY 20 2013

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 <u>85-15753</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 Timothy & Amé CochNAUER

My address is 20280 Homestead Loop
Lewiston, Idaho 83501

My phone number is: Work (208) 799-3170 Home (208) 743-6898

I am an attorney representing N/A

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:

WE ACQUIRED OWNERSHIP OF WELL IN APRIL 2013 AND
DISCOVERED NO WATER RIGHT HAD BEEN FILED BY PRIOR
OWNER. WE HAVE HAD A RIGHT TO USE WATER FROM
THE WELL SINCE DECEMBER 1991.

☐ 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.)

1. DEED OF OWNERSHIP TO DOMESTIC WELL DATED APRIL 17, 2013
2. GRANT OF RIGHT TO WATER DATED OCTOBER 31, 1991

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 \$ 25⁰⁰.
- ☐ 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.

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 August 20, 2013 @ 1:30 pm MDT
(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:

N/A

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

N/A

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).

- ☐ Payment of the following additional fees required by IDWR:

N/A

VERIFICATION (Must be completed)

State of Idaho

County of NEZ PERCE

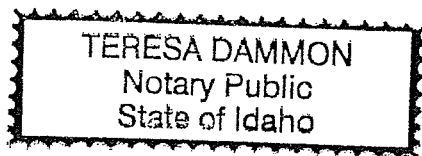
Timothy Cochman, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Timothy Cochman
Signature of person filing motion

n/a
Attorney signing in representative capacity

Subscribed and sworn to before me on May 14, 2013
(Insert Date)



Teresa Dammon
Notary Public for Idaho
Residing at: Lewiston
My Commission expires: 3/17/16

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 MAY 15, ²⁰¹³~~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:

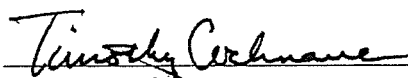
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

5-20
RECEIVED

MAY 20 2013

DEPARTMENT OF
WATER RESOURCES

Form No. 42-1409 (2) b 7/07

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 85-15753-10 5-20-13

Date Received: _____

Receipt No: _____

Received By: _____

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

1. Name of Claimant(s) Timothy & Amé Cochran Phone 208 743-6898

Mailing Address 20280 Homestead Loop, Lewiston, Idaho Zip 83501
Street or Box City State

2. Date of Priority: (Only one per claim) 12/01/1991
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other () (a) _____

which is tributary to (b) _____

4. Location of Point of Diversion is: Township 33N, Range 04W, Section 17

SW, 1/4 of SW, 1/4 or Govt. Lot _____, BM., County of NEZ PERCE; Parcel (PIN) No. 4RP33N04W176000

Additional points of diversion if any: _____

If available, GPS Coordinates _____

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, 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.

Well with pipeline to residence

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For domestic purposes from 1/1 to 12/31 amount 0.04
Month/Day Month/Day (cfs) or (AFA)

For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed 0.04 (cfs) or (AFA)

8. Non-irrigation uses. Describe fully. (eg. Domestic: Give number of households served if single ownership; Stockwater: Type and number of livestock) well served our household

9. Location of Place of Use is: Township 33N, Range 04W, Section 18,
SE, 1/4 of SE, 1/4, Govt. Lot _____, BM.; Parcel (PIN) No. RP33N04W187801A
 for (Circle One) Domestic Stock Domestic and Stock
 Additional places of use, if any _____

10. Which county (ies) are lands listed above as place of use located? NEZ PERCE County

11. Do you own the property listed above as place of use? Yes () No ()
 If the answer is No, describe in Remarks below the authority you have to claim this water right.
 12. Describe any other water rights used at the same place and for the same purposes as described above.

None (X) _____

13. Remarks:

14. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree
 Court _____ Decree Date _____ Plaintiff v. Defendant _____
 If applicable provide IDWR Water Right Number _____

15. 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Timothy Cochraner Date: 5/14/13
Ann Cochraner Date: 5/14/13

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____
 Title Organization

that I have signed the foregoing 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 _____

Please Print Name

16. Notice of Appearance:
 Notice is hereby given that I, _____, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

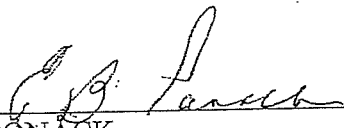
N/A

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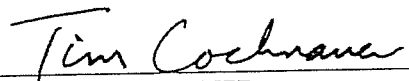
DEED OF OWNERSHIP TO DOMESTIC WELL

E.B. PONACK and PATRICIA PONACK (hereinafter "PONACK") are the owners of a domestic water well located on real property owned by TIM COCHNAUER and AMÉ COCHNAUER (hereinafter "COCHNAUER"), the legal description of the COCHNAUER real property on which the well is located being shown on Exhibit A. It is hereby the intention of PONACK to grant and convey to COCHNAUER all rights of ownership in and to the domestic well located on the COCHNAUER property, along with all appurtenances to the well, including but not limited to all pipelines, pipeline easements, and storage tanks held in ownership by PONACK for the well, subject only to any lawful and recorded right to take water from the well granted by PONACKS prior to this grant of ownership to COCHNAUERS. In addition, there exists for purposes of the well a retained easement for road and well on the COCHNAUER property as described in Exhibit A. The PONACKS hereby permanently relinquish and terminate the retained easement for waterline and source, and road access easement for ingress and egress, retained for purposes of the well as described in Exhibit A.

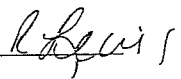
Dated this 17th day of April 2013.


E.B. PONACK


PATRICIA PONACK

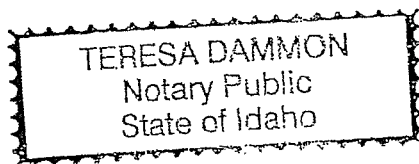

TIM COCHNAUER


AMÉ COCHNAUER



STATE OF IDAHO)
) ss.
COUNTY OF NEZ PERCE)

On this 17th day of April, in the year of 2013, before me, Teresa Dammon, a Notary Public, personally appeared E.B. PONACK, PATRICIA PONACK, TIM COCHNAUER, and AMÉ COCHNAUER, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.



Teresa Dammon
NOTARY PUBLIC in and for the
State of Idaho, residing at Lewiston, therein

Commission Expires 3/17/16

EXHIBIT "A"

SITUATED IN NEZ PERCE COUNTY, STATE OF IDAHO, TO WIT:

PARCEL 1

Township 33 North, Range 4 West of the Boise Meridian, Nez Perce County, Idaho

A parcel of land located in a portion of the West Half of the Southwest Quarter of Section 17 and a portion of the Southeast Quarter of the Southeast Quarter of Section 18, described as follows:

Beginning at the Northwest Section corner for said Section 17 (a brass cap and pipe), thence South $00^{\circ} 03' 23''$ West, 2662.90 feet to the West One-Quarter corner of foresaid Section 17 (a steel pin in concrete), the basis of bearing.

Thence South $22^{\circ} 05' 19''$ East, 1257.12 feet to a road intersection and the TRUE POINT OF BEGINNING; thence South $45^{\circ} 03' 48''$ West along said road centerline 350.88 feet; thence South $34^{\circ} 48' 20''$ West 182.62 feet; thence South $52^{\circ} 42' 47''$ West, 278.33 feet; thence leaving said road centerline South $60^{\circ} 11' 27''$ East, 443.78 feet to the centerline for an existing road; thence North $41^{\circ} 12' 33''$ East along said road centerline 216.57 feet; thence North $25^{\circ} 59' 41''$ East, 210.00 feet; thence leaving said road North $05^{\circ} 59' 40''$ West, 437.70 feet to the PLACE OF BEGINNING.

RESERVING UNTO GRANTORS AN EASEMENT FOR THE ROAD AND WELL:

Township 33 North, Range 4 West of the Boise Meridian, Nez Perce County, Idaho. Section 17: West $\frac{1}{2}$ Southwest $\frac{1}{4}$. An easement for a waterline and source and road access for ingress and egress, being 60.00 feet wide, 30.00 feet each side of the following described centerline, to wit: Beginning at the Northwest Section corner for said Section 17 (a brass cap and pipe); thence South $00^{\circ} 03' 23''$ West, 2662.90 feet to the West One-Quarter Corner for said Section 17 (a steel pin in concrete) the basis of bearing; thence South $09^{\circ} 01' 26''$ East, 1430.38 feet to an existing potable water well head and the TRUE POINT OF BEGINNING; at which point said easement encompasses an area circumscribed by a 25 foot radius curve; then North $45^{\circ} 03' 48''$ East, along the centerline for an existing road 350.88 feet to a road intersection and PLACE OF TERMINUS.

MICROFILM NO.
557866

GRANT OF A RIGHT TO WATER

3491
RECEPTION (4)
INDEXED (4)
FILMED ()
DELIVERED (4)
MAILED A ()

WHEREAS, E.B. PONACK and PATRICIA PONACK hereinafter referred to as PONACK are the owners of a drilled well located on the following described property hereinafter referred to as PARCEL 1 attached and;

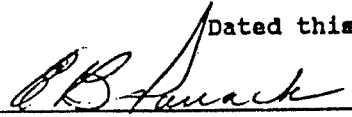
WHEREAS, TIM COCHNAUER, hereinafter referred to as COCHNAUER has purchased property a description of which is attached as PARCEL 2 and;

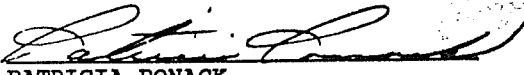
WHEREAS, it is the intention of PONACK to grant to COCHNAUER the right to take and use water from the PONACK well;

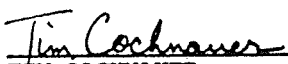
NOW, THEREFORE, it is agreed between the parties that COCHNAUER shall have the right to the use of water from PONACK well for domestic and household use only and shall not be used for any commercial purpose or to derive any profit from said use. COCHNAUER shall provide a storage facility at his own expense and the repairs and maintenance of any pipe lines shall be shared equally between the parties.

An easement for pipeline is attached hereto as Exhibit A and made a part hereof.

Dated this 31ST day of October, 1991.


E.B. PONACK


PATRICIA PONACK


TIM COCHNAUER

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Parcel 1

114

The Southwest one-quarter (SW $\frac{1}{4}$) of the Southwest one-quarter (SW $\frac{1}{4}$)
of Section Seventeen Township Thirty-three (33) North Range Four
(4) West of the Boise Meridian, Nez Perce County, Idaho.

Parcel 2
EXHIBIT "A"

114
A 60 foot wide road easement for ingress and egress, the centerline described as follows:

Commencing at the Northwest corner of Section 17, Township 33 North, Range 4 West of the Boise Meridian; thence North 53°35'10" East along the centerline of the county road 145.33 feet to the Point of Beginning; thence South 12°44'08" East 295.16 feet; thence South 3°04'25" West 379.37 feet; thence South 37°19'03" East 361.04 feet; thence South 7°16'10" East 230.49 feet; thence South 59°51'19" East 291.95 feet; Thence South 53°13'14" East 150.0 feet; thence South 54°47'02" East 313.48 feet; thence South 54°59'40" East 291.11 feet; thence South 29°38'30" East 81.68; thence South 7°17'50" East 71.03 feet; thence South 2°02'40" West 79.4 feet; thence South 15°38'25" West 111.52 feet; thence South 12°43'40" West 115.28 feet; South 25°03'10" West 174.82 feet; thence South 44°31'48" West 240.72 feet; thence South 33°04'43" West 242.01 feet; thence South 44°32'43" West 111.08 feet; thence South 39°52'08" West 200.01 feet; thence South 63°32'01" West 438.72 feet; thence South 49°51'05" West 147.93 feet; thence South 30°54'11" West 251.98 feet; thence South 52°49'57" West 185.10 feet; thence North 70°52'21" West 173.91 feet; thence South 79°07'59" West 109.60 feet; thence South 53°11'29" West 483.60 feet; thence South 12°00'21" East 109.90 feet to a 5/8 inch diameter by 24 inch steel pin; thence North 89°58'58" East 142.02 feet; thence North 79°02'23" East 292.89 feet; thence South 62°32'00" East 93.22 feet; thence South 53°57'38" East 132.63 feet (from which point a 5/8 inch diameter steel pin bears South 60°09'32" West 30.03 feet); thence North 80°19'32" East 78.52 feet; thence North 50°10'52" East 175.20 feet; thence North 74°56'34" East 136.45 feet; thence South 71°07'12" East 341.85 feet to the junction with an existing road leaving to the Southwest; thence along said road centerline South 45°03'49" West 350.88 feet; thence South 34°48'20" West 182.62 feet; thence South 52°42'47" West 470.12 feet; thence North 67°41'08" West 356.03 feet; thence South 83°53'09" West 80.00 feet to the place of terminus.

Parcel 2
EXHIBIT "A"

A tract of land containing approximately 10 acres located in the Southeast Quarter (SE $\frac{1}{4}$) of Section Eighteen (18), Township Thirty Three (33) North, Range Four (4) West of the Boise Meridian, Nez Perce County, Idaho, and more particularly described as follows to wit:

Beginning at the Northeast section corner for above said section eighteen (18), a brass cap; thence S 00°03'23" W, 2662.90 feet to the East one quarter corner for section eighteen (18), a brass cap and the basis of bearing; thence S 45°11'08" W, 1846.06 feet to the Southeast one-sixteenth (SE $\frac{1}{16}$) for section eighteen (18), a monument and the true point of beginning; thence S 89°08'51" E 460.38 feet to a monument; thence N 12°33'58" E 162.10 feet to a monument situate on the centerline of an existing road; thence along said road centerline N 89°58'58" E, 142.02 feet; thence N 79°02'23" E, 292.89 feet; thence S 62°32'00" E, 93.22 feet; thence S 53°57'38" E, 132.63 feet; thence leaving said road centerline S 00°11'04" W 30.03 feet to a monument; thence continuing S 00°11'04" W, 518.47 feet to a monument; thence continuing S 00°11'04" W, 40.02 feet to a monument in the centerline of an existing road; thence along said existing road centerline S 52°42'47" W 72.36 feet, to a monument; thence N 67°41'08" W, 356.03 feet to a monument; thence S 83°53'09" W, 80.00 feet to a monument; thence leaving said road centerline N 25°00'00" W, 179.59 feet to a monument thence N 89°18'43" W, 571.90 feet to a monument situate on the interior North-South one-Sixteenth subdivision line; thence along said line N 00°13'58" E, 250.00 feet to the place of beginning.

All positions called as monuments are marked with a 3/8 inch or 5/8 inch diameter by 24 inch long steel pin.

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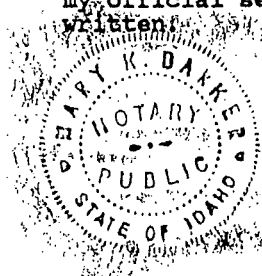
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or 5/8

STATE OF IDAHO)
County of Nez Perce) ss.

On this 21st day of October, 1991, before me, the undersigned, a notary public in and for the State of Idaho, personally appeared E.B. PONACK and PATRICIA E. PONACK, husband and wife, and TIM COCHNAUER known to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Mary K. Barker
Notary Public in and for the
State of Idaho, residing at
Lewiston therein.

11-30-93

INST. NO. 557866
FILED FOR RECORD
FEE 15.00 REG. BY LAND TITLE
92 JAN 30 PM 3:47
BETTY J. WILSEY
RECORDER, NEZ PERCE CO. ID.
BY Carmen DEPUTY
Simler