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MAY 28 2019

**DEPARTMENT OF
WATER RESOURCES**

Scott L. Poorman, ISB #4701
SCOTT L. POORMAN, P.C.
320 E. Neider Ave., Suite 204
Coeur d'Alene, ID 83815
Telephone: (208) 772-6800
Email: office@poormanlegal.com

Attorney for Claimants

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

In Re CSRBA:

Case No. 49567

Subcase 95-17820

**Motion to File a Late Notice of
Claim and Notice of Hearing**

INSTRUCTIONS

This form is used to file a late Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the CSRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form.

The water right number for your late Notice of Claim must be indicated above in the blank space following "Subcase." To obtain your water right number, contact the Idaho Department of Water Resources. You must use a separate form for each late Notice of Claim.

By filing a Motion to File a Late Notice 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 *CSRBA Administrative Order I*, Rules of Procedure.

Motion to File a Late Notice of Claim and Notice of Hearing

Claimants' Names: Nicholas J. Mechikoff, II and Julie R. Mechikoff, husband and wife.

Address: 805 E. Brunner Road, Athol, ID 83801.

Phone Number: (208) 916-6255 (home)

I am an attorney representing the above-named claimants:

Scott L. Poorman, ISB #4701
320 E. Neider Ave., Suite 204
Coeur d'Alene, ID 83815
Phone: (208) 772-6800

Claimants did not file a Notice of Claim to the use of water in the CSRBA because they purchased the subject property in March of 2015 and were unaware of the obligation to file a claim in the adjudication. They did not become aware of the claim process until they began to investigate a possible subdivision of their property and discovered that no Notice of Claim had been filed by the previous owners of the land.

The following documents are attached in support of the Claimants' use of water:

- Exhibit A: Warranty Deed recorded on March 12, 2015 under Kootenai County Instrument No. 2489663000.
- Exhibit B: Well Driller's Report dated August 3, 2001 (Tag No. 0017350) for well drilled on the claimants' real property at 805 E. Brunner Road, Athol, Idaho.
- Exhibit C: Aerial map showing location of well (point of diversion) and place of use.

I have also enclosed:

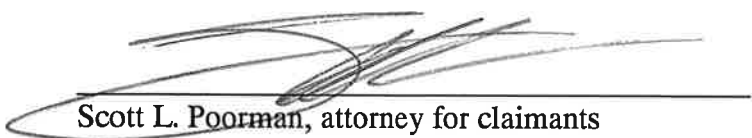
- ☒ A fully completed Notice of Claim;
- ☒ A claim filing fee for a domestic watering use. I have enclosed a check payable to: State of Idaho Department of Water Resources for \$25.00.

Notice of Hearing

This Motion will be heard on Tuesday August 20, 2019 at 1:30 p.m. PST at the CSRBA Courthouse, 253 Third Ave. North, Twin Falls, Idaho.

Dated this 22 day of May 2019.

SCOTT L. POORMAN, P.C.



Scott L. Poorman, attorney for claimants

Certificate of Mailing

I certify that on the 22nd day of May, 2019, I mailed the original and copies of this Motion, including all attachments, as follows:

Original to:

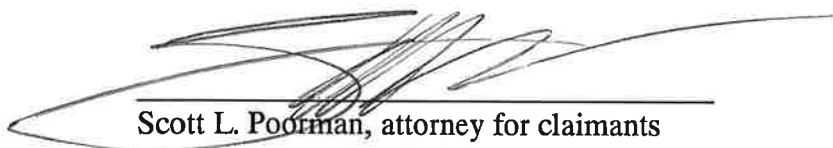
Clerk of the District Court
Coeur d'Alene-Spokane River Basin Adjudication
253 Third Ave. North
PO Box 2707
Twin Falls, ID 83303-02707

Copies to:

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

United States Department of Justice
Environmental & Natural Resources Div.
550 W. Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0010



Scott L. Poorman, attorney for claimants

Instrument Number

JIM BRANNON 1 P 2489663000
KOOTENAI COUNTY RECORDER
PRP 3/12/2015 12:54 PM
REQ OF NORTH IDAHO TITLE COMPANY-
COEUR D'ALENE
RECORDING FEE: \$10.00 DD
Electronically Recorded

Escrow No.: 6001-34493-KRL

WARRANTY DEED

FOR VALUE RECEIVED, **BENNY W. WALLACE AND KAREN M. WALLACE, HUSBAND AND WIFE**, Hereinafter called Grantor, does hereby grant, bargain, sell and convey unto **NICHOLAS J. MECHIKOFF, II AND JULIE R. MECHIKOFF, HUSBAND AND WIFE AS COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP**, Grantee, whose address is:

805 E. Brunner Road, Arwal, ID 83801
the following described premises, County of KOOTENAI, State of Idaho to-wit:

THE WEST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 53 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO.

EXCEPT ANY PORTION LYING WITHIN THE COUNTY ROAD RIGHT OF WAY.

ALSO EXCEPTING THEREFROM THE SOUTHERLY 30 FEET.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), that he/she/they is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject to those made, suffered or done by the Grantee(s); current taxes, levies, assessments, easements, reservations and rights of way of view and covenants, conditions, restrictions, easements, reservations, dedications, rights of way and agreements of record and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

DATED, March 10, 2015

By: [Signature]
BENNY W. WALLACE
By: [Signature]
KAREN M. WALLACE

Date: March 10, 2015

State of Idaho)
County of KOOTENAI)

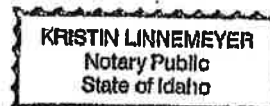
On MARCH 11, 2015, before me, KRISTIN LINNEMEYER, the undersigned, Notary Public, personally appeared BENNY W. WALLACE AND KAREN M. WALLACE known or identified to me to be the person(s) whose name is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed the same.

Witness my hand and official seal.

[Signature]
Notary Public in and for said County and State

Residing at: POST FALLS

Commission Expires: 4/9/2019



(Space above for official notarial area)



Form 200-1
1979

IDAHO DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

Office Use Only
Inspected by _____
Twp _____ Rge _____ Sec _____
1/4 1/4 1/4
Lat: : : Long: : :
☐ Pump ☐ Baller ☐ Air ☐ Flowing Artesian

1. WELL TAG NO. D 0017350
DRILLING PERMIT NO. 770051
Other IDWR No. _____

2. OWNER:
Name Frank Ellis
Address 805 Brunner Road
City Athol, ID State _____ Zip 83858

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N
W E S
Twp. 53 North ☒ or South ☐
Rge. 4 East ☐ or West ☒
Sec. 25 1/4 SW 1/4 SE 1/4
Gov't Lot _____ County Kootenai
Lat: : : Long: : :
Address of Well Site 805 Brunner Road
City Athol

(Give at least name of road + Distance to Road or Landmark)
Lt. _____ Blk. _____ Sub. Name _____

4. USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT		METHOD
Material	From	To	Sacks or Pounds		
Bentonite	0	20	3 sacks		overbore

Was drive shoe used? ☐ Y ☒ N Shoe Depth(s) ring bit
Was drive shoe seal tested? ☐ Y ☐ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	+2	421	250	Steel	☒	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

Perforations _____ Method _____
Screens _____ Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
386 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: _____

11. WELL TESTS:

Yield gal./min.	Drawdown	Pumping Level	Time
<u>40 GPM</u>			

Water Temp. _____ Bottom hole temp. _____
Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment) Water

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
8"	0	2	Topsoil, gravel		X
	2	18	Gravel, sand		X
	18	21	Cobbles, gravel		X
	21	46	Gravel, cobbles, sand		X
	46	51	Cobbles, gravel		X
	51	78	Sand, gravel		X
	78	79	Boulder		X
	79	136	Gravel, sand		X
	136	170	Gravel, sand, coarse, silt		X
	170	235	Sand, coarse w/silt, brown		X
	235	270	Cobbles, gravel		X
	270	276	Boulders, cobbles (no returns)		X
	276	290	Cobbles, gravel		X
	290	349	Gravel, sand, coarse		X
	349	355	Sand, coarse		X
	355	370	Gravel, coarse		X
	370	379	Gravel, sand, coarse		X
	379	383	Sand, coarse w/silt, red brn		X
	383	390	Gravel, sand, medium		X
	390	405	Sand, coarse w/gravel	X	
	405	421	Gravel, medium to fine	X	
	421	428	Clay, tan (no water)		X

NOTE: Pulled casing back to 421' and developed.

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AUG 13 2001

Completed Depth 421' (Measurable)
Date: Started 7/19/01 Completed 7/24/01

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name McCarty Drilling & Pump Inc. No. 586

Firm Official Brett McCarty Date 8-3-01

and Driller or Operator _____ Date _____

(Sign once if Firm Official's Operator)

EXHIBIT

B

53N 4W 25 FORWARD WHITE COPY TO WATER RESOURCES

EXHIBIT

Labels

Place of Use

PoD

E BRUNNER RD

N CLASSIC DR

N WARREN RD

Owner Additional

AIN: 143619 LRSN: 5725
Parcel Number: 53N04W-25-8650
Appr Dist: 1 TRS: 534W25.PDF
Incorporation: NONE

Owner Information:
MECHIKOFF, NICHOLAS J
805 E BRUNNER RD
ATHOL, ID 83801

Site Address:
805 E BRUNNER RD
ATHOL

Legal Description: BKPG:
W2-W2-SW-SE (TRACT 12) EX RW

Acres: 9.773